

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CHS. 1, 3, 5, 6, 7, 19 AND 40 ]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[ 246 PA. CODE CH. 100 ]

### Omnibus Amendments to the Pennsylvania Rules of Judicial Administration

In consultation with the Supreme Court of Pennsylvania Minor Court Rules Committee, the Administrative Office of Pennsylvania Courts (“AOPC”) is considering proposing to the Supreme Court of Pennsylvania the adoption of an omnibus set of amendments to the Pennsylvania Rules of Judicial Administration, and conforming revisions to the Pennsylvania Rules and Standards With Respect to Offices of Magisterial District Judges, 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.

The report accompanying this proposal was prepared by a designated committee to indicate the rationale for the proposed rulemaking. The report 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.

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

Administrative Office of Pennsylvania Courts  
 Pennsylvania Judicial Center  
 Legal Department, Suite 6100  
 P.O. Box 61260  
 Harrisburg, PA 17106-1260  
 FAX: (717) 231-9581  
 rjacommments@pacourts.us

All communications in reference to the proposal should be received by October 5, 2023. Email is the preferred method for submitting comments, suggestions, or objections; any emailed submission need not be reproduced and resubmitted via mail. AOPC will acknowledge receipt of all submissions.

GEOFF MOULTON,  
*Court Administrator of Pennsylvania*

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 1. GENERAL PROVISIONS

#### Rule 102. Definitions.

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*Administrative Judge*—The presiding judge of a division of a court determined as provided by Rule [ 706 ] **707** of these Rules [ **or section 5 of the Schedule to**

**the Judiciary Article and section 5(a) of the Act of December 2, 1968 (No. 357) ] and Sections 951 through 953 of the Judicial Code, 42 Pa.C.S. §§ 951—953.**

\* \* \* \* \*

Rule 103. Procedure for [ **a** ]Adopting, [ **f** ]Filing, and [ **p** ]Publishing [ **r** ]Rules.

(a) *Notice of* [ **p** ]Proposed [ **r** ]Rulemaking.

(1) Except as provided in subdivision (a)(3), the initial proposal of a new or amended rule, including any commentary that is to accompany the rule text, shall be:

(i) distributed by the proposing Rules Committee to the *Pennsylvania Bulletin* for publication therein [ **.** ]; **and**

(ii) **published on the Unified Judicial System’s website and shared on the System’s applicable social media accounts by using a hyperlink to the System website posting.**

The proposal shall include a publication notice containing a statement to the effect that written responses regarding the proposed rule or amendment are invited and should be sent directly to the proposing Rules Committee within a specified period of time, and a publication report from the Rules Committee containing the rationale for the proposed rulemaking.

\* \* \* \* \*

(b) *Rules* [ **a** ]Adopted or [ **a** ]Amended by the *Supreme Court*.

\* \* \* \* \*

(c) *Rules of* [ **j** ]Judicial [ **a** ]Administration [ **a** ]Adopted by [ **o** ]Other [ **c** ]Courts and by [ **a** ]Agencies of the System.

\* \* \* \* \*

(d) *Rules of* [ **p** ]Procedure [ **a** ]Adopted by [ **o** ]Other [ **c** ]Courts of the System.

\* \* \* \* \*

#### Comment

Effective October 1, 2021, “rule” includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text. Pursuant to subdivision (a), rulemaking proposals published seeking written responses shall be accompanied by a publication report from the Rules Committee. **Any unofficial publication should direct interested parties to the *Pennsylvania Bulletin*, and any failure to timely post or receive any unofficial publication shall not affect the official publication schedule or comment period.**

A Rules Committee may also submit a report pursuant to subdivision (b) when the Supreme Court adopts a rulemaking proposal. Any statements contained in Rules Committees’ publication or adoption reports permitted by either subdivision (a) or (b) are neither part of the rule nor adopted by the Supreme Court.

\* \* \* \* \*

CHAPTER 3. JUDICIAL COUNCIL OF  
PENNSYLVANIA

JUDICIAL COUNCIL OF PENNSYLVANIA

Rule 301. Judicial Council of Pennsylvania and Advisory Bodies.

(a) *Establishment and status.* [ There shall be a Judicial Council of Pennsylvania. All actions of the Judicial Council shall be subject to the supervision and approval of the Supreme Court. ] The Supreme Court may establish a Judicial Council or other advisory body to make recommendations to the Court on any matter referred to it by the Court. All actions of such bodies shall be subject to the supervision and approval of the Court.

[ (b) *Composition.* The Judicial Council shall consist of the following members:

- (1) The Chief Justice of Pennsylvania
- (2) Two Justices of the Supreme Court selected by the Supreme Court
- (3) The Court Administrator of Pennsylvania
- (4) The President Judge of the Superior Court
- (5) The President Judge of the Commonwealth Court
- (6) The President Judge of the Court of Common Pleas of Philadelphia County
- (7) The President Judge of the Court of Common Pleas of Allegheny County
- (8) The President of the Pennsylvania Conference of State Trial Judges
- (9) Three judges of the courts of common pleas appointed by the Supreme Court from judicial districts other than the First and Fifth judicial districts and no more than one of whom shall be from the same judicial district
- (10) One member appointed by the Supreme Court from judges of courts other than appellate courts and the courts of common pleas
- (11) Three non-judge members of the bar of the Supreme Court appointed by the Supreme Court from the Civil Procedural Rules Committee, the Criminal Procedural Rules Committee and the Minor Court Rules Committee, no more than one of whom shall be from the same Committee
- (12) One non-judge member of the bar of the Supreme Court appointed by the Supreme Court
- (13) Three non-lawyer electors appointed by the Chief Justice of Pennsylvania, each of whom shall be selected from a different geographical area of the Commonwealth
- (14) One member of the Senate of Pennsylvania, appointed by the President Pro Tempore of the Senate
- (15) One member of the House of Representatives, appointed by the Speaker of the House of Representatives
- (16) Three members appointed by the Governor
- (17) One member of the Senate of Pennsylvania, appointed by the Minority Leader of the Senate

(18) One member of the House of Representatives, appointed by the Minority Leader of the House of Representatives

(19) The President of the Pennsylvania Association of Court Management.

(20) Such advisory members as may be appointed by the Chief Justice. Advisory members shall not vote on matters before the Council ]

(b) *Status of Other Judicial Bodies.* The provisions of this rule shall not abrogate or limit the power or duties of any procedural rules committee or other body authorized by the Court to recommend to the Court procedural or other rules.

[ (c) *Terms, etc.*

(1) A member of the Council other than the advisory member shall serve for a term of three years commencing on October 1 and may be selected or reappointed any number of times. A member shall continue to serve upon expiration of a term of membership until a successor has been selected or appointed except if the member holds membership by virtue of an office set forth in subdivision (a).

(2) Membership shall automatically terminate upon a member's death, resignation, removal or disqualification for original selection or appointment. A vacancy on the Council shall be filed by the respective selecting or appointing authority for the balance of the term.

(d) *Expenses.* All members of the Council shall be reimbursed for expenses necessarily incurred in the discharge of their official duties. ]

Rule 302. [ Organization and procedure ] [ Rescinded ].

[ (a) *Officers.* The Chief Justice of Pennsylvania shall be Chair and the Justice of the Supreme Court with most seniority on the Council shall be Vice-Chair. The Chair shall appoint the Secretary of the Judicial Council.

(b) *Staff.* The Executive Director shall be the chief administrative officer of the Judicial Council. The Court Administrator shall provide staff assistance to the Council when called upon to do so.

(c) *Meetings.* Meetings of the Council shall be held at such time as may be specified by the Chief Justice.

(d) *Quorum.* A majority of the members of the Judicial Council in office shall be a quorum.

(e) *Committees.* The Chair may appoint from the Council membership one or more committees and designate one of the members of each committee as committee chair. A committee chair may appoint advisory members to a committee but such advisory members shall neither vote on matters before the Committee nor be members of the Council.

(f) *Procedure.* Except as otherwise prescribed by these rules, the proceedings of the Judicial Council shall be governed by internal regulations adopted by the Council. ]

**POWERS OF THE JUDICIAL COUNCIL**

Rule 311. [ Recommendations to the Supreme Court ] [ Rescinded ].

[ (a) *Reference matters.* The Judicial Council shall make recommendations to the Supreme Court on any matter referred to it by the Court.

(b) *Council-originated matters.* The Judicial Council may make recommendations to the Supreme Court on matters relating to court administration.

(c) *Status of other judicial agencies.* The provisions of subdivisions (a) and (b) of this rule shall not abrogate or limit the powers or duties of any procedural rules committee or other body authorized by the Supreme Court to recommend procedural or other rules to it. ]

**CHAPTER 5. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS**

(Former Rule 503 is rescinded and replaced with the following text.)

*(Editor’s Note:* The following text is proposed to be added and is printed in regular type to enhance readability. It replaces Rule 503 in its entirety.)

**Rule 503. Appointment and Termination of Personnel.**

(a) The Supreme Court may appoint and remove the executive personnel of the Administrative Office and such other personnel of the system as may be necessary and proper for the prompt and proper disposition of business of all courts.

(b) The following provisions may be subject to administrative parameters established by the Supreme Court:

(1) *Administrative Office.* The Court Administrator may appoint or terminate employees of the Administrative Office as necessary and appropriate to ensure the prompt and proper disposition of court-related business.

(2) *Appellate courts.* Hiring and termination actions for appellate court staff positions require the approval of a Justice of the Supreme Court or the President Judge of the respective appellate courts.

(3) *Judicial districts.* The President Judge of a judicial district may appoint or terminate state-level court employees within the judicial district only with the written approval of the Court Administrator. In judicial districts where the President Judge’s authority is specifically granted to an authorized judicial officer, administrative official, or administrative body by order of the Supreme Court or the Pennsylvania Rules of Judicial Administration, the authorized officer, official, or body may appoint or terminate state-level court employees within the judicial district only with the written approval of the Court Administrator.

**Rule 505. General functions of the Administrative Office.**

\* \* \* \* \*

**Comment:**

The above provisions invest the Administrative Office with powers and duties in an administrative and advisory capacity only and do not give rise to a responsibility for the management, progress, or outcomes of discrete, individual court cases. *Accord Geness v. AOPC*, 974 F.3d 263, 276-78 (3d Cir. 2020).

*(Editor’s Note:* Rule 507 as printed in 201 Pa. Code reads “Official Note” rather than “Note.”)

**Rule 507. Record Retention Schedules.**

(a) *Offices Scheduled by the County Records Committee.* Counties of the First Class.

(1) *Offices Scheduled by the County Records Committee.* Common Pleas Court Prothonotaries, Clerks of Courts, Clerks of Orphans’ Courts, Registers of Wills, District Attorneys, Sheriffs, Coroners, and Jury Commissioners or their Home-Rule equivalents when disposing of records shall do so in conformity with the applicable record retention schedules and the conditions stipulated therein promulgated from time to time by the County Records Committee under the act of August 14, 1963 (P.L. 839, No. 407) (16 P.S. §§ 13001 *et seq.*).

(2) *Counties of the First Class.* Prothonotaries, Clerks of Courts, Clerks of Orphans’ Courts, Registers of Wills, and Jury Commissioners of counties of the first class when disposing of records shall do so in conformity with the record retention schedules and the conditions stipulated therein promulgated from time to time by the County Records Committee for counties of the second through eighth classes under the act of August 14, 1963 (P.L. 839, No. 407) (16 P.S. §§ 13001 *et seq.*), as amended.

(b) *Offices Scheduled by the Supreme Court.* System and related personnel engaged in clerical functions in offices which support the offices covered by general or specific record retention and disposition schedules promulgated from time to time by the Supreme Court when disposing of records shall do so in conformity with the record retention and disposition schedules and the conditions stipulated therein.

[ (c) *Non-scheduled offices.* System and related personnel in offices not covered under subdivisions (a) or (b) when disposing of records shall submit to the Administrative Office of Pennsylvania Courts and to the Pennsylvania Historical and Museum Commission duplicate copies of a record disposal certificate form and a written statement explaining the nature and the content of the records. After consultation with the Commission, the Administrative Office may authorize the destruction of such records, either with or without the retention of a permanent copy. ]

[ (d) *Disposal Certification Requests. Disposal Logs.* All requests for disposition of permanent records held by offices covered under subdivisions (b) shall be made on forms adopted from time to time by the Administrative Office [ of Pennsylvania Courts ]. No permanent records may be disposed of unless authorization is sought, and received, utilizing the appropriate disposal certification request form. All non-permanent records disposed upon expiration of the retention period provided in the applicable record retention and disposition schedules for offices covered under subdivisions (b) shall be listed on record disposal log forms adopted from time to time by the Administrative Office [ of Pennsylvania Courts ]. The record disposal log forms shall be filed with the Administrative Office [ of Pennsylvania Courts ] on an annual basis, or as otherwise provided by the Administrative Office [ of Pennsylvania Courts ].

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

The record retention schedules promulgated by the County Records Committee are only applicable to county offices of counties of the second through eighth classes,

since the County Records Act, as amended, is only applicable to counties of the second through eighth classes. Accordingly, none of the county offices of the counties of the first class are governed by the County Records Act. Nonetheless, many of the county offices of the counties of the first class which support the Unified Judicial System unofficially utilize the record retention schedules promulgated by the County Records Committee in disposing official records within their control. In order to foster uniformity among these offices, [ **subsection** ] **subdivision** (a)(2) was added, specifically listing the offices within the counties of the first class which must henceforth comply with the record retention schedules promulgated by the County Records Committee.

**The Pennsylvania Appellate Courts Records Retention Schedule is codified at 204 Pa. Code §§ 209.1-**

**209.2. The Record Retention & Disposition Schedule with Guidelines for Courts of Common Pleas, Magisterial District Courts, the Philadelphia Municipal Court, and the Pittsburgh Municipal Court is codified at 204 Pa. Code § 213.51. See subdivision (b).**

**The forms referenced in subdivision (c) are located on the UJS website at <http://www.pacourts.us/forms/for-the-judiciary/>.**

*(Editor's Note: The following forms that appear on serial pages (363103) to (363104) are proposed to be deleted in their entirety.)*

**[ UNIFIED JUDICIAL SYSTEM SCHEDULED  
COURT RECORDS DISPOSAL CERTIFICATION  
REQUEST**

**[ Pursuant to PA RJA 507(b) ]**



COUNTY	JUDICIAL DISTRICT	IF APPLICABLE	
		MAGISTERIAL DISTRICT	DISTRICT JUSTICE NAME
OFFICE OF ORIGIN		PERSON MAKING DISPOSAL REQUEST (RECORD CUSTODIAN)	
ADDRESS			
Approval Requested For: <input type="checkbox"/> Records Destruction <input type="checkbox"/> Records Transfer to PHMC			
RECORD TITLE AND INCLUSIVE DATES ( <i>one series per form</i> )			
DESCRIPTION OF RECORD ( <i>include type of information contained and purpose of record</i> )			
RETENTION PERIOD IN SCHEDULE	PAGE AND SECTION IN SCHEDULE	HAVE ALL AUDIT REQUIREMENTS BEEN MET? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	
QUANTITY _____ TOTAL CUBIC FEET			
No. of cartons _____	Length _____	Width _____	Height _____ OF AVERAGE CARTON
No. of volumes _____	Length _____	Width _____	Height _____ OF AVERAGE VOLUME
No. of file drawers _____	<input type="checkbox"/> Legal <input type="checkbox"/> Letter <input type="checkbox"/> Other _____		
HAVE RECORDS BEEN MICROFILMED? <input type="checkbox"/> Yes <input type="checkbox"/> No		ARCHIVAL MEDIUM UTILIZED	
Size: <input type="checkbox"/> 16mm <input type="checkbox"/> 35mm <input type="checkbox"/> Other _____			
Form: <input type="checkbox"/> Roll <input type="checkbox"/> Cartridge <input type="checkbox"/> Cassette <input type="checkbox"/> Fiche			
<input type="checkbox"/> Other _____			
LOCATION OF SECURITY COPY			
<b>FOR USE BY RECORD CUSTODIAN</b>			
_____ hereby requests that the Record Retention Officer seek approval from the Administrative Office of Pennsylvania Courts for permission to dispose of or transfer the records identified above.			
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Phone Number</i>	
<b>FOR USE BY DISTRICT RECORDS RETENTION OFFICER</b>			
Authorization to dispose of or transfer the above-identified records is requested. If destruction of the records is requested, I certify that the records have been reproduced on a medium approved by the Administrative Office of Pennsylvania Courts.			
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Judicial District</i>	
<b>FOR USE BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS</b>			
Review by the Pennsylvania Historical and Museum Commission <input type="checkbox"/> is <input type="checkbox"/> is not    requested.			
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Title</i>	
<b>FOR USE BY THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION ONLY IF REVIEW REQUESTED BY AOPC</b>			
<input type="checkbox"/> Concur With Request <input type="checkbox"/> Recommend Denial of Request <input type="checkbox"/> Recommend Disposal Request Be Amended As Follows:			
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Title</i>	
<b>FOR USE BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS</b>			
Approval is given for: <input type="checkbox"/> Destruction <input type="checkbox"/> Destruction as Amended <input type="checkbox"/> Transfer to PHMC			
Comments/Amendments: <input type="checkbox"/> Disapproved <input type="checkbox"/> Retain Pending Further Instructions			
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Title</i>	

*Original must be sent to the Administrative Office of Pennsylvania Courts, 1515 Market Street, Suite 1414, Philadelphia, PA 19102.  
Keep a copy for your records.*



\* \* \* \* \*

**CHAPTER 6. MAGISTERIAL DISTRICT JUDGES**

Rule 602. Continuing [ e ]Education [ r ]Requirement.

(a) Every magisterial district judge shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the Minor Judiciary Education Board. If a magisterial district judge fails to meet these continuing education requirements, the judge shall be subject to suspension by the Supreme Court until such time as evidence of compliance with such requirements is submitted by the Board, but in no event longer than six months at which time the failure to meet the continuing education requirements shall be grounds for the Supreme Court, after a hearing, to declare a vacancy in that district.

(b) The Minor Judiciary Education Board shall conduct at least one continuing education practicum course, consisting of not less than thirty-two hours, which each magisterial district judge, or senior magisterial district judge, whether law trained or non-law trained, within twelve months of first assuming office, shall be required to attend. The Board shall approve the length of the program and the course of instruction. Practicum exercises will be a part of the course of instruction. Senior magisterial district judges may petition the Board for a waiver of this requirement.

(c) No judge who is suspended by Order of the Supreme Court [ of Pennsylvania ] or the Court of Judicial Discipline shall be permitted to attend any continuing education course or program approved by the Minor Judiciary Education Board during the term of suspension. Notwithstanding the attendance requirements set forth in [ paragraph ] subdivision (a), the judge shall be provided the opportunity to make up any required hours of continuing education once the period of suspension has expired and an Order has been issued returning the judge to active status.

(d) [ Paragraph ] Subdivision (c) shall not apply to any judge suspended for failure to complete the program described in [ paragraph ] subdivision (a).

**[ Official Note ] Comment:**

The text of this rule is taken, in part, from Rule 20 of the Rules Governing Standards of Conduct of Magisterial District Judges, Continuing Education Requirement, rescinded March 26, 2015, effective immediately.

Rule 603. Continuing [ e ]Education [ r ]Requirement:  
[ s ]Senior [ m ]Magisterial [ d ]District [ j ]Judges.

(a) Any magisterial district judge who has been certified by the Administrative Office [ of Pennsylvania Courts ] as eligible to serve as a senior magisterial district judge shall be admitted to the continuing education program sponsored by the Minor Judiciary Education Board every year as required by Rule 602.

(b) In the event the Court Administrator [ of Pennsylvania ] notifies the Minor Judiciary Education Board that a senior magisterial district judge has not accepted an assignment for a continuous period of two years, the Minor Judiciary Education Board may refuse to enroll the senior magisterial district judge in the continuing education program.

**[ Official Note ] Comment:**

With regard to certification of senior judges, see Pa.R.J.A. [ No. ] 701 (Assignment of Judges to Courts).

The text of this rule is taken from Rule 21 of the Rules Governing Standards of Conduct for Magisterial District Judges "Continuing Education Requirement: Senior Magisterial District Judges" rescinded March 26, 2015, effective immediately.

(Former Rule 606 is renumbered as Rule 611. New Rule 606 is a new Rule of Judicial Administration adapted from former Rule 101 of the Rules and Standard With Respect to Offices of Magisterial District Judges.)

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

**Rule 606. Establishment of Offices and Minimum Standards for Court Facilities Used by a Magisterial District Judge.**

(a) The governing body of the county shall establish a court facility for each magisterial district judge whose magisterial district is situated in the county at such locations within the county as may be approved by the president judge.

(b) The governing body shall, insofar as possible, ensure that each facility meets all the following minimum standards:

(1) The facility shall be located in a place that is convenient to the public and allows the business of the court to be conducted with dignity, decorum, safety, and dispatch.

(2) Such facility shall not be located in or appurtenant to the residence or place of business of the magisterial district judge. It shall have a courtroom and such other rooms as may be necessary and shall be provided with necessary furniture and equipment.

(3) A magisterial district judge shall be provided with such staff, forms, supplies, and equipment as shall be necessary for the proper performance of the judge's duties. To maintain the dignity of the office, the judge shall be provided with judicial robes.

(c) The court facility of a magisterial district judge may, with the approval of the Supreme Court, be located outside of the boundaries of the magisterial district from which the judge is elected, upon petition of the president judge of the judicial district, subject to the following provisions:

(1) *Notice.* Each of the following provisions relating to notice shall apply:

(i) Written notice of the proposed relocation shall be provided to all magisterial district judges in the county, the local bar association, and to each municipality and police department in each of the affected districts.

(ii) Notice of the proposal shall be provided to the public by posting the proposal on the court or county official website and by any additional means that the president judge deems appropriate. The notice must be placed at least 30 days before the submission of the petition and must invite members of the public to provide written comment on the proposal.

(iii) If the relocation is to a facility to be occupied by more than one magisterial district judge, the magisterial district judge from any of the districts to be combined

shall provide a written statement whether the judge supports or opposes the relocation within 30 days of the distribution of the written notice in subdivision (c)(1)(i).

(2) *Petition.* Petitions for approval of a relocation of a magisterial district judge's court facility outside of the magisterial district from which the judge has been elected shall be submitted to the Court Administrator, with a copy sent to all affected magisterial district judges, and to any municipality contained in the affected magisterial district. The petition shall contain all the following:

(i) A certification that the proposed location is more suitable or affordable than the facilities that are available within the magisterial district from which any relocated judge is elected.

(ii) An assessment of the impact of the relocation on public convenience and access to the court.

(iii) An assessment of the impact of the relocation on court security.

(iv) An estimate of the fiscal impact of the relocation.

(v) If the relocation combines more than one magisterial district judge in a single facility, the proposed floor plan of the combined court facilities.

(vi) A copy of the statements of all affected magisterial district judges as to their position regarding the relocation or a notation that any magisterial district judge declined to provide such a statement.

(vii) A copy of the public notice that was posted regarding the proposal and copies of any comments received.

(3) *Standards.* The following standards are intended to guide president judges as to factors that the Supreme Court may consider in disposition of the petition:

(i) Relocation of the court facility would not cause inconvenience or confusion to the public or to law enforcement.

(ii) The district into which any judge's facility is relocated is adjacent to the district from which that judge is elected.

(iii) If the relocation combines more than one magisterial district judge in a single facility, adequate facilities and staff shall be provided for each judge to enable them to perform the business of each court and ensure that proper fiscal controls are in place.

(iv) No more than three judges shall be located in the same consolidated court facility.

(v) The president judge certifies that the proposed location is more suitable or affordable than the facilities that are available within the magisterial district from which the judge is elected.

(4) *Statements in Opposition.* Statements in opposition to the petition may be submitted to the Court Administrator by any interested party within 30 days of the submission of the original petition. Any statement should contain a concise statement of reasons why the petition should be denied and should reference the standards listed in subdivision (c)(3). A copy of any statement shall be sent to the president judge.

(5) *Review.* The Court Administrator shall review the petition to determine if it complies with the provisions of this rule. A petition that complies with the rule will be forwarded to the Supreme Court for consideration, along with any statements of opposition submitted and a recommendation from the Court Administrator.

(6) *Implementation.* Following the approval of a petition, the president judge shall consult with all affected magisterial district judges to ensure that the changes are implemented without undue disruption to the business of the courts.

**Comment:**

This rule was derived from former Rule 101 of the Rules and Standards with Respect to Offices of Magisterial District Judges (Establishment of Offices. Minimum Office Standards).

Districts must comply with standards published by the Administrative Office for magisterial district court facilities.

(Former Rule 607 is renumbered as Rule 612. Rule 607 is an entirely new Rule of Judicial Administration.)

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

**Rule 607. Realignment of Magisterial Districts.**

(a) Changes to the boundaries of a magisterial district, or the elimination or creation of a magisterial district, shall be subject to the provisions within this rule.

(b) *Notice.* Each of the following provisions relating to notice shall apply:

(1) Written notice of the proposed change in boundaries or elimination or creation shall be provided to all magisterial district judges in the county and to each municipality and police department contained in each of the affected districts.

(2) Notice of the proposal shall be provided to the public by posting the proposal on the court or county official website and by any additional means that the president judge deems appropriate. The notice must be placed at least 30 days before the submission of the petition to the Court Administrator and must invite members of the public to provide written comment on the proposal. Any comments received must be attached to the petition.

(3) A magisterial district judge from any district whose boundaries will change or whose district will be eliminated as a result of the proposal shall provide a written statement that indicates whether the judge supports or opposes the recommendation. These statements shall be attached to the petition. If a judge affected by the proposed realignment fails to submit such a statement to the president judge within 30 days of the distribution of the written notice in subdivision (b)(1), the president judge shall note this fact in the petition.

(c) *Petition.* A petition containing the proposal shall be submitted to the Court Administrator, with a copy sent to all affected magisterial district judges, and to any municipality contained in any affected magisterial district. The petition shall contain:

(1) a statement of the reasons for the proposed realignment or creation or elimination;

(2) an assessment of the impact of the realignment on public convenience and access to the court;

(3) a copy of the statements of all affected magisterial district judges as to their position regarding the realignment, or a notation that any magisterial district judge declined to provide such a statement; and



(4) a copy of the public notice that was posted regarding the proposal and copies of all comments received.

(d) *Standards.* The following standards are intended to guide president judges as to factors which the Supreme Court may consider in disposition of the petition:

(1) No change shall materially restrict or diminish public access to the courts.

(2) No change may create a situation such that the residence of a commissioned magisterial district judge is outside of the district from which he or she was elected.

(3) No change shall result in the court facility of a magisterial district judge being outside the boundaries of the district unless approval has been granted by the Supreme Court pursuant to Rule 606 (Establishment of Offices and Minimum Standards for Court Facilities used by a Magisterial District Judge).

(4) Other than in connection with decennial reestablishment in the year following the reporting of the official U.S. Census, no petition for change of boundaries or creation or elimination of a district may be filed in a year in which the judgeship in a district affected by the change is scheduled to appear on the ballot.

(e) *Statements in Opposition.* A statement in opposition to the petition may be submitted to the AOPC by any interested party within 30 days of the submission of the original petition. Any statement should contain a concise statement of reasons why the petition should be denied and should reference the standards listed below. A copy of the statement shall be sent to the president judge.

(f) *Review.* The Court Administrator shall review the petition to determine if it complies with the provisions of this rule. A petition that complies with the rule will be forwarded to the Supreme Court for consideration, along with any statements of opposition submitted and a recommendation from the Court Administrator.

(g) *Implementation.* Following the approval of a petition, the president judge shall consult with all affected magisterial district judges to ensure that the changes are implemented without undue disruption to the business of the courts.

**Comment:**

See 42 Pa.C.S.A. § 1503 (Reestablishment of districts).

(Rule 608 is a new Rule of Judicial Administration adapted from former Rule 110 of the Rules and Standard With Respect to Offices of Magisterial District Judges.)

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

**Rule 608. Bonds of Magisterial District Judges.**

(a) Each magisterial district judge is required to give bond in such sum, not less than \$25,000, as shall be directed by the president judge of the court of common pleas of the judicial district in which is located the magisterial district of the magisterial district judge, with one or more sufficient sureties.

(b) The bond shall be:

(1) lodged with the prothonotary of the court of common pleas;

(2) conditioned on the faithful application of all moneys that come into the hands of the magisterial district judge as an officer; and

(3) for the benefit of the Commonwealth and its political subdivisions, and all persons who may sustain injury from the magisterial district judge in the judge's official capacity.

**Comment:**

This rule was derived from former Rule 110 of the Rules and Standards with Respect to Offices of Magisterial District Judges (Bonds of Magisterial District Judges) and sets forth only the minimum bond amount for each magisterial district judge. The amount of money collected by the district courts varies greatly, and the president judge is free to require higher bond amounts for some or all of the courts in the judicial district.

While a bond is not required for a Senior Magisterial District Judge appointed to serve, a county wherein the Senior Magisterial District Judge is serving may consider posting a bond when the judge assumes fiscal responsibilities or is appointed to fill a vacant court.

(Rule 609 is a new Rule of Judicial Administration adapted from former Rule 111 of the Rules and Standard With Respect to Offices of Magisterial District Judges.)

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

**Rule 609. Seal of a Magisterial District Judge.**

(a) Each magisterial district shall have and use a seal, which shall be in the custody of the magisterial district judge elected or appointed for the magisterial district. The seal shall be used to authenticate the official acts of the magisterial district judge. There shall be engraved on the seal the same device as is engraved on the great seal of the State, the words "Commonwealth of Pennsylvania," the name of the county, the number of the magisterial district, and the words "Magisterial District Judge."

(b) A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

**Comment:**

This rule was derived from former Rule 111 of the Rules and Standards with Respect to Offices of Magisterial District Judges (Seal).

(Rule 610 is a new Rule of Judicial Administration adapted from former Rule 113 of the Rules and Standard With Respect to Offices of Magisterial District Judges.)

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

**Rule 610. Use of Facsimile Signature by a Magisterial District Judge.**

A magisterial district judge may authorize the use of a facsimile signature in lieu of an original signature on certain documents listed by the Administrative Office. Such list shall be maintained by the Administrative Office. All documents not so designated and maintained by the Administrative Office shall require an original signature.

**Comment:**

This rule was derived from former Rule 113 of the Rules and Standards with Respect to Offices of Magisterial District Judges (Use of Facsimile Signature).

(Rule 611 is a new Rule of Judicial Administration adapted from former Pa.R.J.A. 606.)

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

**Rule 611. Transfer of Dockets and Other Papers.**

(a) Upon the expiration of a term of office, the effective date of a resignation or removal from office, or upon an abandonment of the office or its duties, a magisterial district judge shall deliver all dockets and other official or like papers to the magisterial office established for the magisterial district in which the former or inactive magisterial district judge maintained residence.

(b) If a magisterial district judge dies in office, personal representatives of the judge shall make any delivery required under subdivision (a).

**Comment:**

This rule was formerly Pa.R.J.A. 606 but renumbered in 2023 as part of an overall reorganization of the Rules.

(Rule 612 is a Rule of Judicial Administration adapted from former Pa.R.J.A. 607.)

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

**Rule 612. Acts of Assembly Suspended.**

All Acts of Assembly or parts thereof inconsistent with Pa.R.J.A. 601—611 are suspended to the extent of such inconsistency. *See* Pa. Const. art. V, § 10(a), (c).

**Comment:**

This rule was formerly Pa.R.J.A. 607 but renumbered in 2023 as part of an overall reorganization of the Rules.

**CHAPTER 7. ASSIGNMENT OF JUDGES**

**ASSIGNMENT AND TRANSFER OF JUDGES**

*(Editor's Note: Rule 701 as printed in 201 Pa. Code reads "Official Note" rather than "Note.")*

Rule 701. Assignment of [ j ] Judges to [ c ] Courts.

[ A ] **a** *Conditions Applicable for the Certification of Senior Magisterial District Judges, Judges, or Justices.*

(1) To be eligible for senior certification, a magisterial district judge, judge, or justice:

[ a ] **i** shall have served as a magisterial district judge, judge, or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling ten years;

[ b ] **ii** shall not have been defeated for reelection or retention; and

[ c ] **iii** shall be at least sixty-five years of age on the date on which he or she begins senior service, or have a combination of years of judicial service plus age that totals at least seventy for magisterial district judges or at least eighty for judges and justices. However, this [ **sub-section (c)** ] **subdivision** shall not apply to those serving in senior status as of [ **the effective date of this rule** ] **January 4, 2010**.

(2) In addition to [ **paragraph (1)** ] **subdivision (a)(1)**, any duly elected magisterial district judge, judge, or justice, having an aggregate of five years of judicial service, who is required to retire due to mandatory retirement age, shall be eligible for certification.

(3) Judges seeking senior status must apply for such status immediately upon retirement. Thereafter, requests for senior status shall be granted only upon application to and approval by the Supreme Court, which approval will be granted only upon a showing of compelling and exceptional circumstances.

[ **Note: As a matter of state law passed to conform with federal law, judges who otherwise qualify for senior service but retire before age 62 cannot serve as senior judges and simultaneously receive their state pension until they have reached age 62 or have been an annuitant (retiree) for one year, whichever is earlier. See 71 Pa.C.S. § 5706(a)(1), (2) & (a.4). Such judges must choose between (1) receiving their pension but delaying senior service (accepting judicial assignments) until they reach one of those thresholds, or (2) delaying receipt of their pension (and associated retiree medical benefits) while serving as a senior judge (accepting assignments) during that period. Judges who retire before age 62 and who seek senior status must apply immediately upon retirement but may request to delay service. Delaying service will not affect the applicability of the relevant code of judicial conduct, including but not limited to those provisions regulating personal and extrajudicial activity, see Pa. Code of Jud. Conduct (Canon 3); Pa. Rules Governing Standards of Conduct of Magisterial District Judges (Canon 3), and political activity, see Pa. Code of Jud. Conduct (Canon 4); Pa. Rules Governing Standards of Conduct of Magisterial District Judges (Canon 4). ]**

(4) Senior status shall end on the last day of the calendar year in which a magisterial district judge, judge, or justice attains age seventy-eight.

(5) For certification of senior status, a magisterial district judge, judge, or justice shall verify such additional information as required by the application for certification forms authorized under [ **paragraph (B)** ] **subdivision (b)** below.

(6) A magisterial district judge, judge, or justice may only be certified for senior status for a maximum of ten years **from the date on which the judge became eligible to serve**, absent extraordinary circumstances, as determined by the Chief Justice. However, those serving in senior status as of [ **the effective date of this rule** ] **January 1, 2008** may continue to serve until subject to the age limit of [ **paragraph** ] **subdivision** (4) above.

(7) Certification of a magisterial district judge, judge, or justice for senior status shall be subject to the pleasure of the Supreme Court. The Supreme Court at any time, in the exercise of its sole discretion, may rescind or revoke a senior certification.

[ **Note: Paragraph (7) was added in 2016 to clarify that certification of senior status is (and always has been) a matter that is subject to the pleasure of the Supreme Court. ]**

[ **B** ] **b** *Certification of Senior Magisterial District Judges, Judges, and Justices.* The Administrative Office shall promulgate application forms, as approved by the Supreme Court, for certification of senior magisterial district judges, judges, and justices. A former or retired magisterial district judge, judge, or justice who requests assignment to temporary judicial service shall file the application for certification form with the Administrative

Office, and, upon approval, shall be eligible for judicial assignment. Failure to comply with the provisions contained in the application form may result in the immediate revocation of senior certification.

**[ C ]c** *Request for the Assignment of Additional Magisterial District Judges or Judges.*

(1) *Request for Assignment.* Whenever a president judge deems additional judicial assistance necessary for the prompt and proper disposition of court business, **[ he or his ] the president judge's** proxy shall transmit a formal request for judicial assistance to the Administrative Office. The request may be made in writing or it may be transmitted electronically. An electronic request for judicial assistance shall be accomplished through a secure program developed by the Administrative Office for this purpose.

(2) *Recommendation by the Court Administrator [ of Pennsylvania ] and Action by Chief Justice.* Upon the recommendation of the Court Administrator, the Chief Justice may, by order, assign any retired, former, or active magisterial district judge, judge, or justice to temporary judicial service on any court to fulfill a request by a president judge, or to reduce case inventories, or to serve the interest of justice. The order entered by the Chief Justice may be electronically transmitted to the Administrative Office **[ of Pennsylvania Courts ]** for processing. Orders entered pursuant to this **[ chapter ] subdivision** may be transmitted by the Administrative Office to the Supreme Court prothonotary in hard copy or electronically. Electronically transmitted orders shall be docketed by the Supreme Court prothonotary in the same manner as hard copy orders. Electronically transmitted orders need not be printed by the Supreme Court prothonotary unless a request for public review is made.

(3) *Duration of Assignment.* Unless otherwise provided in the order of assignment, the order shall continue in effect after its stated expiration date until unfinished business pending before the assigned judge is completed.

(4) *Certification of Service.* The president judge of a district to which a magisterial district judge or judge has been temporarily assigned under this rule shall certify to the Administrative Office, on a certificate completed and signed by the assigned magisterial district judge or judge, the number of days of temporary judicial service and the amount of any compensation to which the assigned judge is entitled.

(5) *Expenses of Assigned Judges.* All judges assigned to duties outside of their judicial districts may, in addition to any per diem payment authorized by law, be reimbursed with the approval of the Court Administrator for necessary expenses, including hotel accommodations and meals, incident to such duties.

**[ (6) Restrictions on Temporary Assignments. No judge shall be assigned under this rule to any court while any judge thereof is assigned to another court under this rule, except when required to take the place of a judge who is recused or disqualified, or is otherwise unavailable, or under other appropriate circumstances. ]**

**[ (7) ]6** *Temporary Judicial Assignments to the Supreme Court.* Requests for temporary judicial assistance to the Supreme Court shall be governed by Section 13 of the Supreme Court's Internal Operating Procedures, **Temporary Judicial Assignments to the Supreme Court**, as amended from time to time.

**[ Note: The subject matter of former paragraph (c)(7) (relating to ceremonial functions) is now governed by 23 Pa.C.S. § 1503(a)(2) (relating to persons qualified to solemnize marriages) (as amended by the Act of July 14, 2009 (P.L. 81, No. 18)) and 42 Pa.C.S. § 327 (relating to oaths and acknowledgments) (as amended by the Act of June 30, 2012 (P.L. 666, No. 79)). ]**

**[ D ]d** *Judicial Assignment Records.* The Administrative Office shall maintain records of certification applications and assignments to temporary judicial service.

**[ E ]e** *Regional Administrative Units.*

(1) Judicial districts through their president judges may petition the Supreme Court for approval to combine with other districts to form regional administrative units that provide for the assignment of magisterial district judges and judges to any other judicial district in the unit. Upon annual approval by the Supreme Court, magisterial district judges and judges, when so assigned, shall exercise the same power and authority as vested in a magisterial district judge or judge of that judicial district.

(2) In cases where a judge **servicing in a Regional Administrative Unit** has **been** disqualified **[ him or herself ]**, **[ for any of the reasons specified in Rule 2.11 of the Code of Judicial Conduct or Rule 2.11 of the Rules Governing Standards of Conduct of Magisterial District Judges, ]** the assignment of another judge to the case **[ shall ] generally should** be made **[ through the Administrative Office. In other instances of recusal, the assignment may be made ]** through the Regional **Administrative Unit**, but in no case shall a recusing judge select **[ his or her ] the** replacement. **In exceptional cases where the president judge of the judicial district in which the case arises has determined that the interests of justice require the appointment of a judge from outside of the Regional Administrative Unit, a request shall be made to the Administrative Office for the appointment of a judge.**

(3) Each regional **administrative** unit shall file with the Administrative Office a quarterly report of all assignments that occurred within the unit for that period.

**(4) Each regional administrative unit shall have an administrative judge who shall be responsible for coordinating the unit assignments, scheduling meetings of the unit, and submitting the quarterly reports.**

**[ F ]f** *Suitable Facilities and Staffing for Senior Common Pleas Judges.* Suitable facilities and adequate staff are to be provided for senior judges, the parameters of which are to be determined and promulgated by the Administrative Office.

**[ Directive: In accordance with Rule of Judicial Administration 701( F ), the Administrative Office of Pennsylvania Courts promulgates this directive establishing minimum standards for suitable facilities and adequate staff for the senior judges of the courts of common pleas. The president judge of a judicial district, in consultation with the Court Administrator of Pennsylvania as needs may require, shall provide from available resources for each senior judge formerly of the judicial district**



who is regularly or periodically assigned in that district and for each visiting senior judge the following facilities and staff for matters arising under the appointment:

(1) the use of judicial chambers which shall be of adequate size and appropriately furnished, afford a measure of privacy, and include office equipment and supplies as are necessary to conduct judicial business;

(2) services of a law clerk who shall provide customary assistance including legal research and drafting of legal documents; and

(3) services of a secretary who shall provide customary assistance including typing correspondence, orders and opinions, answering phone calls and taking messages, receiving and sending mail and deliveries. ]

**Comment:**

Regarding subdivision (a)(3), as a matter of state law passed to conform with federal law, judges who otherwise qualify for senior service but retire before age 62 cannot serve as senior judges and simultaneously receive their state pension until they have reached age 62 or have been an annuitant (retiree) for one year, whichever is earlier. See 71 Pa.C.S. § 5706(a)(1), (2) & (a.4). Such judges must choose between (1) receiving their pension but delaying senior service (accepting judicial assignments) until they reach one of those thresholds, or (2) delaying receipt of their pension (and associated retiree medical benefits) while serving as a senior judge (accepting assignments) during that period. Judges who retire before age 62 and who seek senior status must apply immediately upon retirement but may request to delay service. Delaying service will not affect the applicability of the relevant code of judicial conduct, including but not limited to those provisions regulating personal and extrajudicial activity, see Pa. Code of Jud. Conduct (Canon 3) (A Judge Shall Conduct the Judge's Personal and Extrajudicial Activities to Minimize the Risk of Conflict with the Obligations of Judicial Office); Pa. Rules Governing Standards of Conduct of Magisterial District Judges (Canon 3) (A Magisterial District Judge Shall Conduct the Magisterial District Judge's Personal and Extrajudicial Activities to Minimize the Risk of Conflict with the Obligations of Judicial Office), and political activity, see Pa. Code of Jud. Conduct (Canon 4) (A Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary); Pa. Rules Governing Standards of Conduct of Magisterial District Judges (Canon 4) (A Magisterial District Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary).

Subdivision (a)(6) was added in 2016 to clarify that certification of senior status is (and always has been) a matter that is subject to the pleasure of the Supreme Court.

Regarding subdivision (f), in 1999, the Administrative Office promulgated a directive establishing minimum standards for suitable facilities and ad-

equat staff for the senior judges of the courts of common pleas, as follows. 29 Pa.B. 2766 (May 28, 1999).

The president judge of a judicial district, in consultation with the Court Administrator as needs may require, shall provide from available resources for each senior judge formerly of the judicial district who is regularly or periodically assigned in that district and for each visiting senior judge the following facilities and staff for matters arising under the appointment:

(1) The use of judicial chambers which shall be of adequate size and appropriately furnished, afford a measure of privacy, and include office equipment and supplies as are necessary to conduct judicial business.

(2) Services of a law clerk who shall provide customary assistance including legal research and drafting of legal documents.

(3) Services of a secretary who shall provide customary assistance including typing correspondence, orders and opinions, answering phone calls and taking messages, receiving and sending mail, and deliveries.

Rule 702. Divisional [ a ] Assignment of [ j ] Judges.

[ 1. ] (a) Each judge appointed or elected to fill a vacancy in a court of common pleas having more than two divisions shall be initially assigned by the president judge of the court to be a member of a division of the court. Unless previously approved by the Supreme Court, such assignment shall be temporary only until such approval has been received.

[ 2. ] (b) The president judge of a court of common pleas which consists of more than two divisions may make temporary assignments of judges from one division to another division of the court when required in order to expedite the business of the court. [ He ] **The president judge** shall not make any permanent re-assignment of a judge from one division to another division without the approval of the Supreme Court.

[ 3. ] (c) For the purpose of transacting the business of a division for which a vote may be required, only those judges who have been permanently assigned to a division shall have the right to vote. A judge who is temporarily assigned to a division other than the division to which [ he is ] **the judge is** permanently assigned shall be entitled to vote only in the latter division.

[ 4. ] (d) Where approval of the Supreme Court is required under this rule, it shall be requested by a petition by the president judge of the court of common pleas. Such request may be made prior to or subsequent to the making of an initial assignment or a re-assignment. If made after assignment or re-assignment, the petition shall be filed with the prothonotary within ten (10) days from the date thereof. Such petition shall state the reasons the assignment or re-assignment is deemed necessary and proper in the interest of the effective administration of the business of the court. The Supreme Court on its own motion may make divisional assignments of judges as it deems appropriate.

[ 5. ] (e) In courts of common pleas where the only division is an orphans' court division, the judge or judges not assigned to that division shall for purposes of this rule be considered as constituting a separate division.



**Comment:**

**The divisions referred to in this rule are the formal court divisions prescribed by 42 Pa.C.S. § 951.**

**SUPERVISION AND ASSIGNMENT OF JUDGES**

*(Editor's Note: Rule 703 as printed in 201 Pa. Code reads "Official Note" rather than "Note.")*

Rule 703. Reports of [ j ]Judges.

[ A ]a) *Policy Statement.* It is the policy of the [ u ]Unified [ j ]Judicial [ s ]System that any matter at any stage of a proceeding be brought to a fair conclusion as promptly as possible, consistent with the character of the matter and the resources of the system. The requirements of this rule further specify and implement this policy in keeping with the Court's constitutionally mandated responsibility to oversee the prompt and proper disposition of the business of the Pennsylvania courts.

**[ B ]b) General Rule.**

(1) Every judge shall keep a record of each matter that has been submitted to the judge for decision and which remains undecided.

(2) Every judge shall compile a semi-annual report stating whether the judge has any matter that has been submitted to the judge for decision and remains undecided for ninety days or more as of the last day of the reporting period. Each report shall include matters listed on prior reports which remain undecided.

[ a ]i) *Decision* includes the grant or denial of a pretrial, post-trial, or post-sentence motion or petition, non-jury verdict or decision, entry of an order or judgment, imposition of a sentence, or the filing of an opinion. A matter is submitted for decision even though briefs, transcripts, or reports have been ordered but have not yet been filed.

[ b ]ii) *Judge* means a judge of a court of common pleas or a judge of the Philadelphia Municipal Court, active or senior, commissioned six months or longer.

(3) If there are no matters submitted to the judge which remain undecided for ninety days or more, the report shall so state.

**[ Note: Under this rule, judges must take inventory of matters in chambers, evaluate their status, and determine the steps needed for timely disposition. Judges must also take an active role in ensuring the timely preparation of documents, such as notes of testimony or psychiatric reports. ]**

**[ C ]c) Form and Content of Report.**

(1) The report shall be prepared on a form supplied by the Administrative Office [ of Pennsylvania Courts ] or generated by the computer system of the judge's court in the same format as the form supplied by the Administrative Office.

(2) The report shall be signed by the judge.

(3) For each matter which remains undecided ninety days or more, the report shall state:

[ a ]i) the type, caption, and number of the case;

[ b ]ii) the nature of the matter;

[ c ]iii) the date of submission to the judge;

[ d ]iv) the specific reason(s) for the delay; and

[ e ]v) the specific steps taken to remedy the delay.

**[ Note: Specific reasons for a delay might be the filing of additional briefs, a change in the representation of the parties, ongoing settlement negotiations at the request of the parties. ]**

**[ D ]d) Filing.**

(1) The report covering the preceding period of July 1 through December 31 shall be filed on or before January 20, and the report covering the preceding period of January 1 through June 30 shall be filed on or before July 20.

(2) Whenever January 20 or July 20 falls on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, the date for filing shall be the next business day.

(3) The judge shall file the original report with the Court Administrator [ of Pennsylvania ], and shall file copies of the report with the president judge and the district court administrator of the court on which the judge serves.

**[ Note: The requirement that judges file copies of their reports with the president judge and district court administrator will better enable those officials to monitor their dockets in order to address problem areas promptly. If decisional delay persists, the president judge should take strong corrective action. Such action may include providing the judge with additional support or educational resources as may be reasonably available; restructuring judicial case assignments, non-decisional assignments, or work schedules; or any other supervisory action designed to assist the reporting judge in becoming current. ]**

(4) Senior judges or active judges serving in more than one judicial district shall file one consolidated report with the Administrative Office, and shall file copies of the consolidated report with the president judge and the district court administrator for each judicial district in which the judge has matters that have been submitted for decision.

**[ E ]e) Supplemental Statement by President Judge.**

(1) A president judge, at the request of the Court Administrator [ of Pennsylvania ], shall supplement a judge's report with a separate statement of any circumstances affecting the matters reported.

(2) Within thirty days of the president judge's receipt of the request from the Court Administrator [ of Pennsylvania ], any supplemental statement shall be filed with the Court Administrator [ of Pennsylvania ], the judge who filed the report, and the district court administrator.

[ F ]f) *Public Inspection.* Copies of all reports and supplemental statements filed pursuant to [ paragraphs (B) and (E) ] subdivisions (b) and (e) shall be made available by the Court Administrator [ of Pennsylvania ] and the district court administrator for public inspection and copying.

**[ G ]g) Report to Judicial Conduct Board.**

(1) The Court Administrator [ of Pennsylvania ] shall immediately notify the Judicial Conduct Board if a judge fails to file a timely report as required by this rule.

(2) The Court Administrator [ of Pennsylvania ] shall, where appropriate, forward to the Judicial Conduct Board any report which includes one or more matters which have remained undecided for one year or more.

**Comment:**

**Under subdivision (b) of this rule, judges must take inventory of matters in chambers, evaluate their status, and determine the steps needed for timely disposition. Judges must also take an active role in ensuring the timely preparation of documents, such as notes of testimony or psychiatric reports.**

**Regarding subdivision (c)(3), specific reasons for a delay might be the filing of additional briefs, a change in the representation of the parties, or ongoing settlement negotiations at the request of the parties.**

**Regarding subdivision (d)(3), the requirement that judges file copies of their reports with the president judge and district court administrator will better enable those officials to monitor their dockets in order to address problem areas promptly. If decisional delay persists, the president judge should take strong corrective action. Such action may include providing the judge with additional support or educational resources as may be reasonably available; restructuring judicial case assignments, non-decisional assignments, or work schedules; or any other supervisory action designed to assist the reporting judge in becoming current.**

**Regarding subdivision (f), requests for copies of reports and supplemental statements directed to the Court Administrator shall be made in writing to: AOPC Judicial District Operations and Programs Department, 601 Commonwealth Avenue, P.O. Box 61260, Suite 1500, Harrisburg, Pennsylvania 17106 or by electronic mail to Judicial.DistrictOperationsDept@pacourts.us. Requestors must provide electronic contact information, if available, and responses may be provided electronically.**

Rule 705. Seniority of [ j ] Judges.

\* \* \* \* \*

(g) *Certification of [ s ] Seniority.* Where priority of commission or seniority of a judge is determined under this rule, the Chief Justice or the president judge of the court in question shall certify the same to the Administrative Office, which shall record such information [ in a book maintained for such purpose ].

\* \* \* \* \*

(Former Rule 706 is rescinded and replaced with the following text.)

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

**Rule 706. Designation of Chief Justice and President Judges.**

(a) *Courts of Seven or Less Judges.* The Chief Justice and president judges shall be the judges longest in continuous service.

(b) *Courts of Eight or More Judges.* President judges shall be selected for five-year terms by the members of their respective courts. No president judge may serve

more than one term without an intervening full elected term served by another president judge.

(c) *Changes in Size of Court.*

(1) *Increasing to Eight or More Judges.* The incumbent president judge shall continue in the leadership role for a period of five years from the effective date of an expansion.

(2) *Decreasing to Seven or Less Judges.* The incumbent president judge shall continue in the leadership role throughout the unexpired portion of that judge's term as president judge. Any vacancy during that time or at the conclusion of that term shall be filled by the judge longest in continuous service on the court, per subdivision (a).

(d) *Leadership Resignation.* The Chief Justice or a president judge may resign from the leadership role and remain a member of the court.

(e) *Temporary Inability.*

(1) If the Chief Justice or a president judge is temporarily unable to perform the leadership duties, those duties shall be performed by the next-most senior judge as determined by Rule 705.

(2) Alternatively, a president judge may designate an acting president judge for a period of not more than 90 calendar days. This appointment shall lapse when the president judge is able to resume the leadership duties. If the president judge remains unable to perform those duties after the period of the acting president judge's appointment:

(i) *Courts of Seven or Less Judges.* The judge next greater in seniority shall become (or continue to serve as) acting president judge until the president judge is able to resume the leadership duties.

(ii) *Courts of Eight or More Judges.* An election shall be held for an acting president judge to serve until the president judge is able to resume the leadership duties. Should the president judge's inability to perform the leadership duties remain unresolved, the acting president judge shall serve until the end of the president judge's term.

(f) *Selection Procedures.* Each court selecting a president judge shall do so at a meeting.

(1) *Time of Meeting.* In the following circumstances, the time of the meeting shall be as provided below.

(i) *Expiration of Incumbent President Judge's Five-Year Term.* The court shall meet on the tenth day (Sundays excepted) preceding the expiration of the term of office of the incumbent president judge.

(ii) *Interim Vacancies.* The court shall meet on the tenth day (Sundays excepted) immediately following the death, resignation, removal, or mid-term retirement of the president judge.

(2) *Place of Meeting.*

(i) The court shall meet in a courtroom or meeting room designated by the commissioned judge with the greatest seniority, as determined by Rule 705.

(ii) Alternatively, another time and place may be fixed by a majority of the commissioned judges. All commissioned judges must be given at least 72 hours' prior written notice of the time and place of the meeting.

(3) *Certificate of Results.* The judge presiding at the meeting shall execute a certificate of the results of the balloting on a form provided by the Administrative Office. This judge shall file a copy in the office of the clerk or

prothonotary of the court and shall transmit the original, showing evidence of such filing, to the Administrative Office.

(4) *Tie Vote.* Upon receipt of a certificate reflecting a tie vote, the Administrative Office shall forward the certificate to the Supreme Court. The Supreme Court will select a president judge from among the judges receiving the highest number of votes. The Supreme Court will then indicate its choice on the certificate and will return that document to the Administrative Office. The Administrative Office shall transmit a copy of the completed certificate to the office of the appropriate clerk or prothonotary for filing as provided in subdivision (3).

(g) *Maintenance of Records.* The Administrative Office shall maintain records of the designation of the Chief Justice and president judges, the term of years if any, and all other pertinent, related information. The Administrative Office shall also:

(1) notify the judges of a court of the fact of the expiration of the term of office of a president judge at least 30 days prior to the expiration; and

(2) furnish the Department of State with such information as may be required to enable the Governor to duly commission a Chief Justice or president judges in the manner provided by the Constitution of Pennsylvania and this Rule.

(Rule 707 is a new Rule of Judicial Administration adapted from the provisions of former Pa.R.J.A. 706 pertaining to administrative judges.)

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

#### **Rule 707. Selection of Administrative Judges.**

(a) *Divisions of a Court.* Each division of a court having three or more judges shall be presided over and administered by an administrative judge, who shall be one of the judges of the court of which the division is a part and shall be selected by the Supreme Court to serve for a term of three years or at the pleasure of the Court. Upon the occurrence of a vacancy in the office of administrative judge, the president judge shall notify the Supreme Court immediately.

(b) *Resignation and Temporary Inability.* An administrative judge may resign such position and remain a member of the division.

(c) *Maintenance of [Central Personnel] Records.* The Administrative Office shall maintain records of the determination or selection of administrative judges, any term for which they may be selected, and all other pertinent information relating thereto.

#### **Comment:**

This rule was derived from the provisions of former Pa.R.J.A. 706 pertaining to administrative judges. The scope of this rule is limited to court divisions as prescribed in 42 Pa.C.S. § 951(a) and (b) (Philadelphia and Allegheny Counties).

### **CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS**

#### **MISCELLANEOUS ADMINISTRATIVE PROVISIONS**

Rule 1901. Prompt [ d ]Disposition of [ m ]Matters; [ t ]Termination of [ i ]Inactive [ c ]Cases.

(a) [ *General p* ]Policy.—It is the policy of the [ u ]Unified [ j ]Judicial [ s ]System to bring each pend-

ing matter to a final conclusion as promptly as possible consistent[ ly ] with the character of the matter and the resources of the system. [ Where a matter has been inactive for an unreasonable period of time, the tribunal, on its own motion, shall enter an appropriate order terminating the matter. ]

(b) Except for actions governed by Pa.R.Civ.P. 1915.4(b) (Prompt Disposition of Custody Cases) and 230.2 (Termination of Inactive Cases), at least once a year each court of common pleas shall initiate proceedings to terminate pre-adjudication matters which have been inactive for two years or more. The court of common pleas shall also initiate proceedings for any applicable civil or criminal case pending before local magisterial district courts or the Philadelphia Municipal Court, or alternatively, the court of common pleas shall implement local rules providing for the initiation of proceedings before the minor courts. In either event, at least once a year, each court of common pleas shall provide data about the proceedings to terminate inactive cases pending before the court and the minor judiciary to the Court Administrator. The data must be in such format as requested by the Administrative Office.

[ (b) *Primary responsibility for implementation of policy.*—

(1) Except as may be provided by paragraph (3), each court of common pleas is primarily responsible for the implementation of the policy expressed in subdivision (a) of this rule and is directed to make local rules of court for such purposes applicable to the court and to the community court or magisterial district courts of the judicial district.

(2) The Philadelphia Municipal Court is directed to make rules of court for such purposes.

(3) The policy set forth in subdivision (a) of this rule shall be implemented in actions governed by the Pennsylvania Rules of Civil Procedure pursuant to Rule of Civil Procedure 230.2. ]

(c) [ *Minimum Standards.*—Before any order terminating a matter on the ground of unreasonable inactivity is entered, the parties shall be given at least 30 days' written notice of opportunity for hearing on such proposed termination, which notice shall be given: ] Notice of Proposed Termination.

(1) For each matter identified by the court pursuant to subdivision (b), the court shall serve a written notice of proposed termination on counsel of record, and on the parties if not represented, at least thirty days prior to the date of the proposed termination. The notice shall contain a brief identification of the matter to be terminated, the date of the proposed termination, and the procedure to avoid termination.

(2) The notice shall be served:

(i) electronically, when permitted by existing legal authority; [ or ]

( [ 1 ]ii) [ I ]in person; or



(iii) by mail to the last address of record, [ of the parties or their counsel of record and setting forth a brief identification of the matter to be terminated; or

(2) By publication in the manner provided by rule of court in the legal newspaper designated by rule of court for the publication of legal notices in any case where notice by mail cannot be given or has been returned undelivered or where the docket of the matter shows no evidence of activity during

the previous two years. Any matter terminated after notice by publication pursuant to this paragraph may be reinstated by the court after dismissal upon written application for good cause shown.

(3) The policy set forth in subdivision (a) of this rule shall be implemented in actions governed by the Pennsylvania Rules of Civil Procedure pursuant to Rule of Civil Procedure 230.2. ]

(3) The notice shall be in the following form:

(Caption)

**NOTICE OF PROPOSED TERMINATION OF COURT CASE**

The court intends to terminate this case without further notice because the docket shows no activity in the case for at least two years.

You may stop the court from terminating the case by filing a statement of intention to proceed. The statement of intention to proceed should be filed with \_\_\_\_\_ at

(Appropriate Filing Office)

Address

on or before \_\_\_\_\_

Date

**IF YOU FAIL TO FILE THE REQUIRED STATEMENT OF INTENTION TO PROCEED, THE CASE WILL BE TERMINATED BY THE COURT WITHOUT FURTHER NOTICE.**

**BY THE COURT:**

Date of this Notice

Officer

(d) Statement of Intention to Proceed.

(1) Counsel of record, or parties if not represented, shall file a statement of intention to proceed in the following form:

(Caption)

**Statement of Intention to Proceed**

To the Court:

\_\_\_\_\_ intends to proceed with the above captioned matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for

(2) Upon receipt of a statement of intention to proceed in accordance with subdivision (d)(1), the court may schedule a status conference and establish appropriate timelines to ensure a timely and efficient disposition of the case. If the statement of intention to proceed concerns a matter pending before a magisterial district judge, the statement shall be transmitted to the appropriate judge for further proceedings.

(3) If no statement of intention to proceed has been filed on or before the date of the proposed termination, the court shall enter an order terminating the matter.

(e) Reinstatement.

(1) If a matter has been terminated pursuant to this rule, a party may petition the court to reinstate the action.

(2) If the petition is filed within sixty days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action.

(3) If the petition is filed more than sixty days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action upon a showing that:

(i) the petition was timely filed following the entry of the order for termination; and

(ii) there is a reasonable explanation or a legitimate excuse for the failure to file both:

(A) the statement of intention to proceed prior to the entry of the order of termination on the docket, and

(B) the petition to reinstate the action within sixty days after the entry of the order of termination on the docket.

(f) Any case which is reinstated pursuant to subdivision (e) shall be subject to termination with prejudice upon a subsequent termination pursuant to this rule. No subsequent reinstatements shall be granted.



**[ d ]g) Effect of [ d ]Disposition of [ r ]Records.** Notwithstanding any inconsistent provision of this rule **[ or of any local rule of court made pursuant to this rule ]**, a court shall not entertain any **[ application ] petition** for the reinstatement of a matter terminated pursuant to this rule if such **[ application ] petition** for reinstatement is filed after the documents relating to the matter have been disposed of pursuant to the applicable record retention schedule established by or pursuant to law.

**[ Note ] Comment:**

The general policy set forth in **[ S ]** subdivision (a) is based on an administrative consideration, not substantive or procedural standards applicable to speedy trials in either civil or criminal cases. This rule is intended to supplement, not to modify or abrogate, procedural rules or substantive decisions involving the rights of defendants in criminal cases to a speedy disposition of charges. It is intended to foster elimination of stale cases from the judicial system where the parties have failed to proceed and which are carried as open matters because of the failure on the part of any party to seek dismissal or otherwise to bring the matter to a conclusion. **This rule does not grant a court authority to terminate cases that have already been decided. For example, this rule does not provide for the administrative termination of inactive cases that have been adjudicated but have outstanding fines, costs, or restitution.**

**Pa.R.Civ.P. 230.2 governs the termination of general civil actions initiated by a complaint or writ of summons when there has been no activity of record for two years or more. Pa.R.Civ.P. 1915.4(b) governs the termination of custody actions.**

**This Rule previously required the promulgation of local rules for implementation but was amended in 2023 to harmonize it with the approach of Pa.R.Civ.P. 230.2 in providing a complete procedure and more uniform state practice. Accordingly, as with Pa.R.Civ.P. 230.2, local rules governing inactive cases filed in the courts of common pleas are preempted.**

**With respect to magisterial districts and the Philadelphia Municipal Court, however, the common pleas courts are afforded discretion either to administer termination-of-inactive-cases protocols at the common pleas level or to delegate the responsibility to the minor courts. Thus, existing or prospective local rules governing termination of inactive cases in the minor courts are not preempted unless they are inconsistent with this rule. President Judges are encouraged, however, to re-evaluate existing practices in light of options authorized by the 2023 amendments to this rule.**

**Regarding the notice of proposed termination described in subdivision (c)(3), an “appropriate filing office” includes clerks of court, prothonotaries and clerks of orphans’ court. The appropriate filing office is the office that holds and maintains the case record for the inactive case in question except for cases pending before the magisterial district judges and the Philadelphia Municipal Court. The statement of intention to proceed is always filed at the court of common pleas. The President Judge should consider which of the filing offices mentioned above would be the appropriate recipient of the statement regarding magisterial district court**

**and Philadelphia Municipal Court cases, or in the alternative designate the District Court Administrator as the recipient of the statements.**

**Regarding subdivision (d)(3), an order terminating the action may not be entered until more than thirty days after service of the notice of proposed termination.**

**[ Where a party objects to the termination of an inactive matter, it is intended that the court exercise its judicial discretion. For example, the dormant matter may be a protective action related to a case pending in another jurisdiction between the parties on the same cause of action, or an action involving a controversy arising from a clash of personalities which will probably be terminated upon the death of one of the parties under circumstances where the public interest will not be served by forcing the parties to a judicial resolution of their dispute, etc. ]**

The rule has no effect on the substantive law and thus a termination effected pursuant to the rule will not necessarily foreclose further proceedings in the matter[ , e.g., in custody, support and other proceedings of an equitable nature where the parties have the substantive right to apply for the modification of a final order or decree on the basis of changed circumstances ] .

[ The following is a suggested form of local rule:

**Rule**

(a) The prothonotary shall list for general call at the first civil argument court held after September 1 of each year all civil matters in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa. R.J.A. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(b) The clerk of courts shall list at the first criminal argument court held after September 1 of each year all criminal proceedings in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to the district attorney, any private prosecutor and the defendant, as provided by Pa. R.J.A. No. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

Under Rule 1901(c)(2), in those cases where it is unduly burdensome to research the captions, parties and mailing addresses of cases which have been inactive for two years or more, the moribund matters may be terminated by the adoption and publication of a general refiling requirement, without service of individual notice. Under such a local

rule matters in which no paper has been filed within the previous two years would be deemed terminated without any further entry in the docket, and all such matters could be excluded from any computerized or other modern docket control system installed in the judicial district, subject to the right of the parties to reactivate the matter for good cause shown. ]

The County Records Committee, established by the act of August 14, 1963 (P.L. 839, No. 407) (16 P.S. §§ 13001 et seq.), promulgates record retention and disposition schedules applicable to, [ *inter alia* ] *inter alia*, the prothonotary, clerk of the courts, and clerk of the orphans' court division. [ **Where a matter has been terminated without prejudice under the rule, i.e. subject to the right of the parties to reactivate the matter for good cause shown, and the records relating to the matter have been destroyed without microfilming under the applicable record retention and disposition schedule, this subdivision will eliminate the possibility that a party might attempt to reactivate the matter on the basis of copies of the pleadings and other documents retained by counsel (including the district attorney or public defender) or other noncourt records. ]**

#### BROADCASTING IN THE COURTROOM

Rule 1910. Broadcasting, Recording, and Photography in the Courtroom.

[ **A. ] (a) General [ s ] Statutory [ p ] Prohibition.** It is unlawful and a criminal offense to use or operate a device to capture, record, transmit or broadcast a photograph, video, motion picture or audio of a proceeding or person within a judicial facility or in an area adjacent to or immediately surrounding a judicial facility without the approval of the court or presiding judicial officer or except as provided by rules of court. *See* 18 Pa.C.S. § 5103.1 (relating to unlawful use of an audio or video device in court).

[ **B. ] (b) General [ r ] Rule.** Unless otherwise provided by this rule or by the Supreme Court [ **of Pennsylvania** ], judges shall prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

(1) 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) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;

(3) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

[ **a** ] **i**) the means of recording will not distract participants or impair the dignity of the proceedings;

[ **b** ] **ii**) the parties have consented; and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproductions;

[ **c** ] **iii**) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

[ **d** ] **iv**) the reproduction will be exhibited only for instructional purposes in educational institutions.

(4) the use of electronic broadcasting, televising, recording and taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions of any trial court nonjury civil proceeding; however, for the purposes of this [ **subsection** ] **subdivision**, "civil proceedings" shall not be construed to mean a support, custody, or divorce proceeding. [ **Paragraphs (c) and (d) of Subsection (3) ] Subdivisions 3(iii) and (iv)** shall not apply to nonjury civil proceedings as heretofore defined. No witness or party who expresses any prior objection to the judge shall be photographed, nor shall the testimony of such witness or party be broadcast or telecast. Permission for the broadcasting, televising, recording, and photographing of any civil nonjury proceeding shall have first been expressly granted by the judge, and under such conditions as the judge may prescribe in accordance with the guidelines contained in this rule.

**(5) A judicial district may adopt local rules or protocols regulating the use, operation, and activation of video surveillance systems with non-auditory features for purposes of security in any location and space that is controlled by the judicial district and used in the ordinary course of its business, including a courtroom. Any video surveillance recording made in a courtroom during a judicial proceeding may not be released to anyone outside the court without the express written approval of the president judge of the court. Use and dissemination of a recording made under this subdivision shall require the express written approval of the president judge.**

[ **Note:** Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding.

*See* the Internal Operating Procedures of the Supreme Court of Pennsylvania and the Commonwealth Court of Pennsylvania regarding broadcasting of proceedings by the Pennsylvania Cable Network.

In implementing this rule, the following guidelines shall apply:

**a. Officers of Court.** The judge has the authority to direct whether broadcast equipment may be taken within the courtroom. The broadcast news person should advise the tipstaff prior to the start of a court session that he or she desires to electronically record and/or broadcast live from within the courtroom. The tipstaff may have prior instructions from the judge as to where the broadcast reporter and/or camera operator may position themselves. In the absence of any directions from the judge or tipstaff, the position should be behind the front row of spectator seats by the least used aisleway or other unobtrusive but viable location.

**b. Pooling.** Unless the judge directs otherwise, no more than one TV camera should be taking pictures in the courtroom at any one time. Where coverage is by both radio and TV, the microphones used by TV should also serve for radio and radio should be permitted to feed from the TV sound system. Multiple radio feeds, if any, should be provided by a junction box outside of the courtroom, such as in

the adjacent public hallway. It should be the responsibility of each broadcast news representative present at the opening of each session of court to achieve an understanding with all other broadcast representatives as to who will function at any given time, or, in the alternative, how they will pool their photographic coverage. This understanding should be reached outside the courtroom and without imposing on the judge or court personnel.

Broadcast coverage outside the courtroom should be handled with care and discretion, but need not be pooled.

**c. Broadcast Equipment.** All running wires used should be securely taped to the floor. All broadcasting equipment should be handled as inconspicuously and quietly as reasonably possible. Sufficient file and/or tape capacities should be provided to obviate film and/or tape changes except during court recess. No camera should give any indication of whether it is or is not operating, such as the red light on some studio cameras. No additional lights should be used without the specific approval of the presiding judge, and then only as he may specifically approve.

**d. Decorum.** Broadcast representatives' dress should not set them apart unduly from other trial spectators. Camera operators should not move tripod-mounted cameras except during court recesses. All broadcast equipment should be in place and ready to function no less than five minutes before the beginning of each session of court. ]

[ C. ] (e) *Law Enforcement Officers, Sheriff's Department Officers, and Judicial Security Officers.*

(1) Unless expressly prohibited by local rule or order of court as authorized by [ Subsection (5) ] **subdivision (c)(5)**, and except as otherwise provided in this [ **Subdivision C** ] **subdivision (c)**, officers of law enforcement agencies, sheriffs and deputy sheriffs, and judicial security officers (referred to collectively as "Officers") may wear body cameras as part of their standard equipment and operate them as permitted by law or by state or local court rule, and as may be further authorized under the policies of the agency with which the Officer is associated.

(2) No body camera may be activated in a courtroom during judicial proceedings except when in the professional opinion of an Officer, [ in his or her professional opinion, ] determines that there is an actual or imminent emergency situation warranting activation in the ordinary course of [ his or her ] of the Officer's duties. In such an emergency situation, an Officer may activate [ his or her ] the body camera until such time as, in his or her professional judgment, the emergency situation has concluded.

(3) When an Officer activates a body camera in a courtroom as permitted by [ paragraph ] **subdivision (c)(2)**, [ he or she ] the Officer shall verbally notify the presiding judge at the first reasonable opportunity after the body camera has been activated. Also, within one business day of the emergency incident, the Officer or [ his or her ] Officer's supervisor shall provide to the presiding judge a written report of the circumstances surrounding the activation of the body camera, including the times of activation and deactivation and an explanation of the Officer's actions. The presiding judge shall promptly share the activation report with judicial district

court administration. The activation report also shall be provided to the law enforcement agency with which the Officer is associated.

(4) Any recording made in a courtroom during a judicial proceeding may not be released to anyone outside the court and the law enforcement agency with which the Officer is associated without the express written approval of the president judge of the court. Use and dissemination of a recording made under this [ **Subdivision C** ] **subdivision (c)** in connection with law enforcement activity shall require the express written approval of the president judge.

(5) A judicial district may adopt local rules or protocols regulating the use, operation, and activation of body cameras in any location and space that is controlled by the judicial district and used in the ordinary course of its business, including a courtroom.

(6) A court and any law enforcement agency providing security services in the courtroom shall enter into a written agreement conforming to this rule and any local rule or protocol promulgated by the judicial district. At minimum, the agreement shall require the agency to (i) inform its officers of their responsibilities under the rule; (ii) provide training to its officers regarding the requirements of the rule, including training of new officers before they are permitted to activate a body camera in the courtroom; (iii) require annual written certification by a responsible representative of the law enforcement agency that the agency's officers have been informed of their responsibilities under the rule and have received proper training; and (iv) monitor their officers' compliance.

(7) Each law enforcement agency that provides security services to a court or judicial district shall provide to the district court administrator a copy of its current policies regarding use of body cameras, as well as a list of those Officers assigned to a court or judicial district who are qualified to wear and use body cameras.

**Comment:**

**Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding.**

**See the Internal Operating Procedures of the Supreme Court and the Commonwealth Court regarding broadcasting of proceedings by the Pennsylvania Cable Network.**

**In implementing this rule, the following guidelines shall apply:**

**a. Officers of Court. The judge has the authority to direct whether broadcast equipment may be taken within the courtroom. The broadcast news person should advise the tipstaff prior to the start of a court session of the desire to electronically record and/or broadcast live from within the courtroom. The tipstaff may have prior instructions from the judge as to where the broadcast reporter and/or camera operator may position themselves. In the absence of any directions from the judge or tipstaff, the position should be behind the front row of spectator seats by the least used aisleway or other unobtrusive but viable location.**

**b. Pooling. Unless the judge directs otherwise, no more than one TV camera should be taking pictures in the courtroom at any one time. Where coverage is by both radio and TV, the microphones used by TV should also serve for radio and radio should be**



permitted to feed from the TV sound system. Multiple radio feeds, if any, should be provided by a junction box outside of the courtroom, such as in the adjacent public hallway. It should be the responsibility of each broadcast news representative present at the opening of each session of court to achieve an understanding with all other broadcast representatives as to who will function at any given time, or, in the alternative, how they will pool their photographic coverage. This understanding should be reached outside the courtroom and without imposing on the judge or court personnel. Broadcast coverage outside the courtroom should be handled with care and discretion, but need not be pooled.

c. Broadcast Equipment. All running wires used should be securely taped to the floor. All broadcasting equipment should be handled as inconspicuously and quietly as reasonably possible. Sufficient file and/or tape capacities should be provided to obviate film and/or tape changes except during court recess. No camera should give any indication of whether it is or is not operating, such as the red light on some studio cameras. No additional lights should be used without the specific approval of the presiding judge, and then only as he may specifically approve.

d. Decorum. Broadcast representatives' dress should not set them apart unduly from other trial spectators. Camera operators should not move tripod-mounted cameras except during court recesses. All broadcast equipment should be in place and ready to function no less than five minutes before the beginning of each session of court.

CRIMINAL, [ AND ] DISCIPLINARY, AND CIVIL  
MATTERS AGAINST JUDGES

Rule 1920. Definitions.

"Civil Litigation" or "Civil Matter." Any civil court case in which a judge is sued in the judge's individual capacity, whether or not the judge is otherwise sued in an official capacity.

\* \* \* \* \*

(Editor's Note: Rule 1922 as printed in 201 Pa. Code reads "Official Note" rather than "Note.")

Rule 1922. Counsel [ f ] Fees.

[ A ]a) Purpose. The purpose of this rule is to establish standards and procedures under which the Court Administrator shall determine whether a judge may be reimbursed for the expense of attorney's fees incurred in connection with a criminal, [ or a ] disciplinary, or civil matter.

[ B ]b) [ Criminal matters ] Requirements, Standards, and Decisions.

(1) Mandatory requirements. A judge may be reimbursed for legal fees paid in the defense of a criminal action, disciplinary matter, or civil litigation only if the following criteria are met:

[ Note: See *Yurgosky v. Commonwealth of Pa., Administrative Office of Pa. Courts*, 554 Pa. 533, 722 A.2d 631 (1998). ]

[ a ]i) Notice must be given to the Administrative Office [ of Pennsylvania Courts ] within a reasonable time after [ the ] charges are filed or civil litigation is commenced.

[ b ]ii) The criminal charges, allegations of judicial misconduct, or civil litigation must arise directly from the judge's performance of [ his or her ] official duties.

[ c ]iii) For criminal and disciplinary matters, [ T ]the judge must be acquitted of the crimes or misconduct charged or the charges must have been dismissed or *nolle prossed*. In civil litigation, the judge must have received a favorable adjudication on the merits or a favorable settlement, or must otherwise have prevailed on account of a withdrawal of the proceedings.

[ Note: Reimbursement of counsel fees is not permitted in criminal cases resolved through participation in pre-trial diversionary programs, through negotiated pleas, or by participation in Accelerated Rehabilitative Disposition (ARD) programs. See *Yurgosky*, 554 Pa. at 545 n.15, 722 A.2d at 637 n.15. ]

[ d ]iv) The legal expenses must be reasonable and necessary.

(2) Decision of the Court Administrator.

[ a ]i) Standard. If the mandatory requirements prescribed by [ paragraph ] subdivision (1) have been met, a request for reimbursement of attorney's fees may be approved only if the Court Administrator determines that the judge's conduct giving rise to the criminal charges, disciplinary matter, or civil litigation did not prejudice the proper administration of justice or bring the judicial office into disrepute.

[ Note: This is the same standard prescribed by Pa. Const. art. V, § 18(d)(1), for determining whether a judge may be subject to discipline. ]

[ b ]ii) Factors to be [ c ] Considered. In making [ his or her ] the determination under [ subparagraph (a) ] subdivision (i), the Court Administrator shall consider the following:

[ I ]A) Whether the [ criminal charges ] allegations made against the judge had a reasonable basis in law and fact.

[ II ]B) The quantity and quality of the evidence supporting [ the criminal charges ] allegations made against the judge.

[ III ]C) Whether the conduct giving rise to the [ criminal ] charges or litigation might properly subject the judge to discipline under Pa. Const. art. V, § 18(d)(1), irrespective of whether the judge's conduct prejudiced the proper administration of justice or brought the judicial office into disrepute.

[ IV ]D) Whether other [ criminal or disciplinary ] charges or claims have been or are reasonably anticipated to be [ commenced ] advanced against the judge arising out of the same conduct involved in the criminal, disciplinary, or civil matter and, if so, the nature and disposition of those proceedings.

[ c ]iii) Procedural [ r ] Requirements.

[ I ]A) Under no circumstances shall the Court Administrator act upon a request for reimbursement of counsel fees incurred by a judge [ in a criminal matter ] until he or she has determined that all possible criminal and disciplinary issues related to the matters



involved in the [ **criminal** ] case have been finally concluded in all fora having proper jurisdiction over the judge and a full evaluation of any such additional criminal or disciplinary matter has been made.

[ **II** ]**B**) A judge who seeks reimbursement of attorney's fees [ **in a criminal matter** ] shall be required to waive confidentiality so that the Judicial Conduct Board and other proper authorities are able to share with the Court Administrator all information relating to actual or potential disciplinary action against the judge. If the judge does not waive confidentiality, the Court Administrator shall deny the judge's request for reimbursement.

[ **III** ]**C**) In determining under this part whether a judge should be reimbursed attorney's fees incurred in the successful defense against criminal **or disciplinary** charges, the Court Administrator may rely upon the same information that was available to the Judicial Conduct Board and other proper authority and may consider the evaluation of that information and its determination by the Judicial Conduct Board or other proper authority, as well as any determination made by the Court of Judicial Discipline or other tribunal.

[ **(C) Disciplinary matters.**

(1) **Mandatory requirements.** A judge may be reimbursed for legal fees paid in the defense of a judicial disciplinary matter only if the following criteria are met:

(a) Notice must be given to the Administrative Office of Pennsylvania Courts within a reasonable time after the charges are filed.

(b) The allegations of judicial misconduct must arise directly from the judge's performance of his or her official duties.

(c) The judge must be acquitted of the misconduct charges, or the charges must have been dismissed or *nolle prossed*.

*Note:* This does not include any rehabilitative or other diversionary programs, or resolution through a "letter of counsel."

(d) The legal expenses must be reasonable and necessary.

(2) **Decision of the Court Administrator:**

(a) **Standard.** If the mandatory requirements prescribed by paragraph (1) have been met, a request for reimbursement of attorney's fees may be approved only if the Court Administrator determines that the judge's conduct giving rise to the disciplinary matter did not prejudice the proper administration of justice or bring the judicial office into disrepute.

*Note:* This is the same standard prescribed by Pa. Const. art. V, § 18(d)(1), for determining whether a judge may be subject to discipline.

(b) **Factors to be considered.** In making his or her determination under subparagraph (a), the Court Administrator shall consider the following:

(I) Whether the disciplinary charges made against the judge had a reasonable basis in law and fact.

(II) The quantity and quality of the evidence supporting the disciplinary charges made against the judge.

(III) Whether the conduct giving rise to the disciplinary matter might properly subject the judge to discipline under Pa. Const. art. V, § 18(d)(1), irrespective of whether the judge's conduct prejudiced the proper administration of justice or brought the judicial office into disrepute.

(IV) Whether criminal or other disciplinary charges have been or are reasonably anticipated to be commenced against the judge arising out of the same conduct involved in the disciplinary matter and, if so, the nature and disposition of those proceedings.

(c) **Procedural requirements.**

(I) Under no circumstances shall the Court Administrator act upon a request for reimbursement of counsel fees incurred by a judge in a disciplinary matter until he or she has determined that all possible criminal and disciplinary issues have been finally concluded in all fora having jurisdiction over the judge and a full evaluation of all such criminal or disciplinary matters has been made.

(II) A judge who seeks reimbursement of attorney's fees shall be required to waive confidentiality so that the Judicial Conduct Board and other proper authorities are able to share with the Court Administrator all information relating to actual or potential disciplinary action against the judge. If the judge does not waive confidentiality, the Court Administrator shall deny the judge's request for reimbursement.

(III) In determining under this part whether a judge should be reimbursed attorney's fees incurred in the successful defense against disciplinary charges, the Court Administrator may rely upon the same information that was available to the Judicial Conduct Board and other proper authorities and may consider the evaluation of that information by the Judicial Conduct Board or other proper authority, as well as any determination made by the Court of Judicial Discipline or other tribunal. ]

[ **D** ]**c**) Subject to review and approval by the Supreme Court, the Court Administrator shall establish and periodically revise a maximum hourly rate for counsel fee reimbursement and shall develop policies necessary to implement the provisions of this Rule.

[ **E** ]**d**) If a claim for reimbursement is denied in whole or in part, a judge shall have the right to be heard by a hearing examiner designated by the Court Administrator. The hearing examiner shall issue findings of fact and conclusions of law. Findings of fact by the hearing examiner shall be made based on the standard of preponderance of the evidence. Appeals from the decision of a hearing examiner shall be as provided by law.

[ *Note:* See *Yurgosky*, 554 Pa. at 546, 722 A.2d at 637; 42 Pa.C.S. § 763(a)(1). ]

**Comment:**

In disciplinary matters, judges should contact the Administrative Office [ **of Pennsylvania Courts** ] before retaining counsel if a Notice of Full Investigation by the Judicial Conduct Board has not been issued.

**Regarding subdivision (b)(1), for criminal matters, see *Yurgosky v. AOPC*, 722 A.2d 631 (Pa. 1998).**

**Regarding subdivision (b)(1)(iii), reimbursement of counsel fees is not permitted in criminal cases resolved through participation in pre-trial diversionary programs, through negotiated pleas, or by participation in Accelerated Rehabilitative Disposition (ARD) programs. See Yurgosky, 722 A.2d at 637 n.15.**

**Regarding subdivision (b)(2)(i), this is the same standard prescribed by Article V, Section 18(d)(1) of the Pennsylvania Constitution for determining whether a judge may be subject to discipline.**

**Regarding subdivision (d), see Yurgosky, 722 A.2d at 637 n.15; 42 Pa.C.S. § 763(a)(1).**

#### **CONTINUITY OF OPERATIONS, EMERGENCY ACTIONS, EMERGENCY UNITS AND JUDICIAL SECURITY**

Rule 1953. Emergency [ r ]Regional [ a ]Administrative [ u ]Units.

(a) Within sixty (60) days of the adoption of this Rule, the Court Administrator shall recommend to the Supreme Court the number and designation of “emergency regional administrative units,” ensuring that every judicial district in the Commonwealth is included within an “emergency regional administrative unit” with one or more neighboring judicial districts.

**[ Official Note: The units created pursuant to this rule are similar to those created pursuant to Pa.R.J.A. No. 701(E). ]**

(b) In the event of an emergency affecting any court’s operations, causing the partial or full implementation of a court’s continuity of operations plan under Rule 1951 (**Continuity of Operations and Emergency Action Plans**), or if the Supreme Court or president judge declares a judicial emergency under Rule 1952 (A)(1) or (B)(1) (**Emergency Actions, Duties and Authorities**), the president judge of the affected judicial district or districts may activate the respective emergency regional administrative unit by providing notice to the Court Administrator. Once activated, judges, and magisterial district judges may be temporarily assigned to another judicial district within the emergency regional administrative unit as if the judicial districts were operating within a unit created under Pa.R.J.A. [ No. ] 701([ E ]e) (**Assignment of Judges to Courts**).

(c) All judges and magisterial district judges assigned to another judicial district pursuant to this Rule shall have the same power and authority as that vested in a judge or magisterial district judge of that judicial district.

**[ Official Note: See also Pa.R.J.A. No. 701(E). ]**

(d) Whenever a judge or magisterial district judge is assigned to another judicial district pursuant to this Rule, notice shall immediately be sent to the Court Administrator [ of Pennsylvania ].

(e) All expenses of any jurist assigned to another judicial district pursuant to this Rule shall be reimbursed as provided by law.

#### **Comment:**

**Regarding subdivision (a), the units created pursuant to this rule are similar to those created pursuant to Pa.R.J.A. 701(e) (Assignment of Judges to Courts).**

**Regarding subdivision (c), see also Pa.R.J.A. 701(e).**

Rule 1953 is designed as a companion to Rule of Judicial Administration [ No. ] 701([ E ]e). Pursuant to Rule 701([ E ]e), president judges may petition the Supreme Court to combine with other judicial districts and form “regional administrative units.” Within each regional administrative unit, judges from one judicial district may be temporarily assigned to another judicial district within the unit without first obtaining a judicial assignment order from the Supreme Court. At present, only about half of Pennsylvania’s 60 judicial districts are included within a Rule 701 regional administrative unit. Rule 1953 authorizes the creation of “Emergency Regional Administrative Units” covering all of Pennsylvania’s 60 judicial districts. Through this Rule, in the event of an emergency judges and magisterial district judges from one judicial district within an emergency regional administrative unit may be assigned to another judicial district within the unit without first obtaining a Supreme Court order authorizing the temporary assignment. The Rule directs the Court Administrator [ of Pennsylvania ] to recommend to the Supreme Court the number and designation of emergency regional administrative units within 60 days of the adoption of this new Rule.

#### **CHAPTER 40. UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS**

##### **Rule 4007. Requests for Transcripts.**

( [ A ]a) All requests for transcripts shall be set forth on a standardized form provided by the Court Administrator or a form prepared by the judicial district and approved by the Court Administrator. The form shall indicate the current rates authorized to be charged for transcripts under these rules.

( [ B ]b) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the district court administrator or other appropriate filing office of the court. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder, or transcriptionist;
- (3) the district court administrator or [ his or her ] **the district court administrator’s** designee (if not filed with the district court administrator); and
- (4) opposing counsel, but if not represented, the opposing party.

The provisions of [ subsection (B) ] subdivision (b) do not apply to requests by the Judicial Conduct Board.

( [ C ]c) In courts where daily, expedited, or same day transcripts are available, requests for these transcripts shall be made as provided for in local rule. In the event of an emergency, a party may request by oral motion a daily, expedited, or same day transcript.

( [ D ]d) When a party requests a transcript[ , ]:

- (1) [ t ]The party ordering a transcript shall make partial payment in an amount established by local rule. Deposit checks are to be made payable to the judicial district or county, as set by local rule, and shall be delivered to the district court administrator or other court designee. **If the requesting party fails to make the partial payment within 45 days of the filing of the request, the request shall be deemed withdrawn.**

(2) [ **t** ] The court reporter or transcriptionist shall prepare the transcript upon direction of the court's designee.

(3) [ **t** ] The court reporter, court recorder, or transcriptionist shall notify the ordering party and the court's designee of the completion of the transcript and deliver a copy of the transcript to the judge presiding over the matter.

(4) [ **u** ] Upon payment of any balance owed, the court reporter, court recorder, or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Checks for the final balance are to be made payable to the judicial district or county, as set by local rule, and shall be delivered to the district court administrator or other court designee.

[ **E** ] **e** When a party requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

[ **F** ] **f** When a transcript is requested for which the court or county is responsible for the cost, the court reporter, court recorder, or transcriptionist shall prepare the transcript without the necessity of a deposit.

**Comment:**

Nothing in this rule prevents a local court from adopting an electronic filing request procedure provided the request is effectively communicated to the listed persons.

Within the framework of these rules, the particular methods and logistics for receiving and accounting for costs shall be left to the discretion of the president judge and district court administration. Note, however, that deposit checks and final payment checks are to be made payable to the judicial district or county, not to the individual court reporter or transcriptionist preparing the transcript. **Nevertheless, the district court administrator's designee under this Rule may be a chief court reporter or other supervisory reporter.**

\* \* \* \* \*

**TITLE 246. MINOR COURT CIVIL RULES**

**PART I. GENERAL**

**CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF MAGISTERIAL DISTRICT JUDGES**

Rule 101. [ **E** ] **Establishment of Offices. Minimum Office Standards** ] [ **Rescinded** ].

The rule text is deleted in its entirety and replaced with the following rule text.

**Comment: Provisions of former Rule 101 were incorporated in Pa.R.J.A. 606.**

Rule 102. [ **I** ] **Implementation Committees** ] [ **Rescinded** ].

The rule text is deleted in its entirety.

Rule 110. [ **B** ] **Bonds of Magisterial District Judges** ] [ **Rescinded** ].

The rule text is deleted in its entirety and replaced with the following rule text.

**Comment: Provisions of former Rule 110 were incorporated in Pa.R.J.A. 608.**

Rule 111. [ **S** ] **Seal** ] [ **Rescinded** ].

The rule text is deleted in its entirety and replaced with the following rule text.

**Comment: Provisions of former Rule 111 were incorporated in Pa.R.J.A. 609.**

Rule 113. [ **U** ] **Use of Facsimile Signature** ] [ **Rescinded** ].

The rule text is deleted in its entirety and replaced with the following rule text.

**Comment: Provisions of former Rule 113 were incorporated in Pa.R.J.A. 610.**

**SUPREME COURT OF PENNSYLVANIA  
ADMINISTRATIVE OFFICE OF PENNSYLVANIA  
COURTS**

**PUBLICATION REPORT**

**Omnibus Amendments to the Pennsylvania Rules of Judicial Administration**

In consultation with the Supreme Court of Pennsylvania Minor Court Rules Committee, the Administrative Office of Pennsylvania Courts ("AOPC") is considering proposing to the Supreme Court the adoption of an omnibus set of amendments to the Pennsylvania Rules of Judicial Administration, as well as conforming revisions to the Pennsylvania Rules and Standards With Respect to Offices of Magisterial District Judges. The potential changes reflect matters that have been brought to AOPC's attention over the past several years. Many are clarifying in nature or entail relocation, within the Rules of Judicial Administration, of content which previously was situated elsewhere (for example, in the Rules and Standards with Respect to Offices of Magisterial District Judges). Within the parameters of the rules selected for adjustment, AOPC also suggests altering numbering and style conventions to better conform with the conventions employed by the Supreme Court of Pennsylvania's Rules Committees.

The specific recommendations AOPC is considering are as follows:

*Pa.R.J.A. 102 (Definitions)*—Because provisions relating to administrative judges will be moved from current Rule 706 to new Rule 707, it is proposed that the definition of "Administrative Judge" in Rule 102 should be correspondingly adjusted. The statutory reference has also been updated.

*Pa.R.J.A. 103 (Procedure for Adopting, Filing, and Publishing Rules)*—The suggested revisions would require proposed changes to Supreme Court procedural rules to be published on the UJS website and via UJS social media. Also, a clarifying note is recommended, which would direct interested parties to the *Pennsylvania Bulletin* and add guidance about the publication schedule and comment period.

*Pa.R.J.A. 301 (Judicial Council of Pennsylvania)*—The suggested amendment to Rule 301(a) would make the establishment of the Judicial Council of Pennsylvania permissive instead of mandatory, and the rule would be expanded to include other advisory boards. It is also



suggested that related Rules 302 (Organization and Procedure) and 312 (Recommendations to the Supreme Court) should be rescinded.

*Pa.R.J.A. 503 (Appointment and Termination of Personnel)*—The proposed revisions to Rule 503 are mostly organizational in nature and are suggested to enhance clarity. The reference to a probationary period for appellate court administrators, district court administrators, deputy court administrators, and special courts administrators would be removed, as they are addressed in the UJS Personnel Policies.

*Pa.R.J.A. 505 (General Functions of the Administrative Office)*—A comment would be added to Rule 505 consistent with the decision of the United States Court of Appeals for the Third Circuit in *Geness v. AOPC*, 974 F.3d 263 (3d Cir. 2020), to reflect that AOPC's responsibilities relative to the judicial districts are in an administrative and advisory capacity and do not give rise to a responsibility for the management of individual court cases.

*Pa.R.J.A. 507 (Record Retention Schedules)*—The textual changes would first eliminate current Rule 507(c) since AOPC believes the rule is superfluous. They also clarify that the scope of current Rule 507(d), concerning disposal certification requests, is limited to offices scheduled by the Supreme Court. In other words, offices scheduled by the County Records Committee are excluded. References to the codification of the records retention schedules for the appellate courts, the courts of common pleas, magisterial district courts, the Philadelphia Municipal Court, and the Pittsburgh Municipal Court would be added to the comment. Additionally, the appended images of forms for records disposal certification requests and disposal logs for non-permanent records would be replaced with a reference to a UJS website link to the forms.

#### *Chapter 6 (Magisterial District Judges)*—

Rules 602 and 603 would be revised to remove the language temporarily authorizing video instruction in place of in-person continuing education for members of the Minor Judiciary.

The proposal also encompasses moving Rules and Standards With Respect to Offices of Magisterial District Judges 101 through 113, except Rule 112, into the Rules of Judicial Administration, as matters such as the establishment of Magisterial District Judges' offices and bonds are administrative in nature.

The new rule about establishment of MDJ facilities, namely Rule 606, supplements the predecessor provision with requirements for Supreme Court approval and notice and comment when a facility is to be located outside the boundaries of the district for which the judge is elected.

Finally, a new rule, Rule 607, would be added to formalize the existing procedures governing realignment of magisterial districts.

*Pa.R.J.A. 701 (Assignment of Judges to Courts)*—The first non-stylistic change would clarify that the ten-year limitation on senior-judge service generally commences on the date on which the judge became eligible to serve. It is recommended that a restriction on temporary assignments of senior judges be removed, as the restriction was subject to exceptions which deprived the rule of any force. Additionally, Rule 701(E)(2) would be modified to clarify that judicial reassignments within Regional Administrative Units should generally be made at the local level where this is possible. And Rule 701(E)(4) would be added

to codify the existing protocol that an administrative judge coordinates assignment activities and meetings of the unit.

*Pa.R.J.A. 702 (Divisional Assignment of Judges)*—A comment would be added to the rule to clarify that the divisions referred to therein are those prescribed in 42 Pa.C.S. § 951.

*Pa.R.J.A. 703 (Reports of judges)*—The sole modification, other than to some of the conventions, would be to add commentary, with reference to Rule 703(f), specifying the manner of submitting requests for reports and supplemental statements about matters submitted to judges for decision.

*Pa.R.J.A. 705 (Seniority of judges)*—The reference to a book containing records of certifications of seniority would be removed, as such records are presently maintained electronically.

*Pa.R.J.A. 706 (Determination or Selection of Chief Justice and President and Administrative Judges)*—An overarching proposal is to rewrite Rule 706 for clarity, as suggested below. Substantively, the proposed changes would remove the subject of selection of administrative judges from the scope Rule 706 and provide for this separately in a new rule (i.e., Rule 707). The revisions would also clarify that a president judge may serve an additional term after an intervening full elected term. Reference to the treatment of personal staff of a vacating president or administrative judge would be removed as being effectively obsolete. The language of Rule 706(e) (regarding resignation and temporary inability of court leaders) would be adjusted to eliminate any ambiguity that might have arisen out of the use of the term "senior judge." The 30-day limitation on the appointment of an acting president judge would be expanded to 90 days to allow greater latitude. Finally, the selection procedures for president judges would be modified in several respects, including to allow greater flexibility in the selection of the time of day and voting venue.

*Pa.R.J.A. 707 (Selection of Administrative Judges)*—The content formerly situated in Rule 706 pertaining to administrative judges would be reposed in new Rule 707. The suggested comment would clarify that the term "divisions" refers to formal ones specified by statute, as some courts maintain divisions of a less formal nature.

*Pa.R.J.A. 1901 (Prompt Disposition of Matters; Termination of Inactive Cases)*—The proposed amendments would establish a more uniform statewide procedure for termination of inactive cases, consistent with the procedure set forth in Pa.R.Civ.P. 230.2(b)(2) (Termination of Inactive Cases). As such, the provisions requiring the promulgation of local rules would be eliminated. Consistent with Pa.R.Civ.P. 230.2(b)(2), the newspaper publication requirement would also be eliminated. The courts of common pleas would be expressly authorized to centralize the termination-review function, thus supplanting piecemeal review by magisterial district judges within their districts as well as in the Philadelphia Municipal Court.

*Pa.R.J.A. 1910 (Broadcasting, Recording and Photography in the Courtroom)*—Rule 1910(b)(5) would be added to clarify that judicial districts may adopt protocols regulating the use of video surveillance systems for security purposes.

*Pa.R.J.A. 1920—1922 (Counsel Fees)*—The amendments would eliminate overlap and redundancies and specifically allow for reimbursement for defense costs in civil litigation when a judge must defend a lawsuit in the judge's individual capacity. Where appropriate, such reim-



bursment has been authorized in the past, albeit that is presently beyond the express scope of Rule 1922, which is limited to criminal and disciplinary matters.

*Pa.R.J.A. 1953 (Emergency Regional Administrative Units)*—The suggested changes are correlative to the proposed modifications to Rule 701(e).

*Pa.R.J.A. 4007 (Requests for Transcripts)*—The amendments would provide a timeframe in which a deposit is paid or the request for the transcripts is deemed withdrawn, which removes the matter from the reporter’s list of due transcripts. The changes would also clarify that it is permissible for a judicial district to designate the chief or lead reporter to manage transcript requests.

[Pa.B. Doc. No. 23-1027. Filed for public inspection August 4, 2023, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CHS. 81 AND 83 ]

**Amendment of Rules 102, 201, 204, 205, 208, 212, 216, 217, 218, 219, 221, 301, 321, 401, 402, 403, 501, 502, 503, 512, 514, 521, 531 and 532 of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.17 of the Rules of Professional Conduct; No. 235 Disciplinary Rules Docket**

#### Order

*Per Curiam*

And Now, this 19th day of July, 2023, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania, which followed the proposal to amend Pa.R.D.E. 102, 201, 204, 205, 208, 212, 216, 217, 218, 219, 221, 301, 321, 401, 402, 403, 502, 521, and 531 and Pa.R.P.C. 1.17, having been published for comment in the *Pennsylvania Bulletin*, 52 Pa.B. 942 (February 12, 2022), and the recommendation of the Pennsylvania Lawyers Fund for Client Security, which followed the proposal to amend Pa.R.D.E. 501, 502, 503, 512, 514, 521, 531, and 532, having been published for comment in the *Pennsylvania Bulletin*, 52 Pa.B. 4392 (August 6, 2022):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 102, 201, 204, 205, 208, 212, 216, 217, 218, 219, 221, 301, 321, 401, 402, 403, 501, 502, 503, 512, 514, 521, 531 and 532 of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.17 of the Rules of Professional Conduct are amended in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective September 1, 2023, except that changes to the annual attorney registration form reflected in Pa.R.D.E. 219(c) shall become effective May 1, 2024 in conjunction with the commencement of the 2024-2025 attorney registration period.

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 A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### § 81.4. Rules of Professional Conduct:

The following are the Rules of Professional Conduct:

#### CLIENT-LAWYER RELATIONSHIP

##### Rule 1.17. Sale of Law Practice.

\* \* \* \* \*

(f) In the case of a sale by reason of disability, if a proceeding under Rule 301 of the Pennsylvania Rules of Disciplinary Enforcement has not been commenced against the seller, the seller shall file the notice and request for transfer to voluntary inactive status, as of the date of the sale, pursuant to **Enforcement Rule [ 219(j) thereof ] 219(i)(1)**.

\* \* \* \* \*

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter A. PRELIMINARY PROVISIONS

##### Rule 102. Definitions.

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

\* \* \* \* \*

**“Active status.” The license status of an attorney who is admitted in Pennsylvania and is registered as active under Enforcement Rule 219 (relating to annual registration and assessment). An attorney on active status is eligible to practice law in Pennsylvania.**

\* \* \* \* \*

**Administrative suspension—The license [ Status ] status of an attorney, after Court order under Enforcement Rule 219(g), who: failed to pay the annual [ fee and/or file the form ] assessment and file the form required by subdivisions [ (a) ] (b) and [ (d) ] (c) of Enforcement Rule 219; failed to satisfy the requirements of the Pennsylvania Rules for Continuing Legal Education and was reported to the Court by the Pennsylvania Continuing Legal Education Board under Rule 111(b), Pa.R.C.L.E.[ , for having failed to satisfy the requirements of the Pennsylvania Rules for Continuing Legal Education ] ; failed to pay any [ expenses taxed ] costs and fees pursuant to Enforcement Rule 208(g); or failed to meet the requirements for maintaining a limited law license as a Limited In-House Corporate Counsel, a foreign legal consultant, an attorney participant in defender or legal services programs, a military attorney, or attorney spouse of an active-duty service member. An attorney on administrative suspension status is ineligible to practice law in Pennsylvania.**

\* \* \* \* \*

*“Attorney participant in defender or legal services programs.”* An attorney **or the license status of an attorney** holding a limited admission to practice under Pennsylvania Bar Admission Rule 311 (relating to limited admission of participants in defender or legal services programs).

*Attorney Registration Office*—The administrative division of the Disciplinary Board which governs the annual registration of every attorney admitted to, or engaging in, the practice of law in this Commonwealth, with the exception of attorneys admitted to practice pro hac vice under [ Pa.B.A.R. ] **Pennsylvania Bar Admission Rule 301.**

*“Attorney spouse of an active-duty service member.”* An attorney **or the license status of an attorney** holding a limited admission to practice under Pennsylvania Bar Admission Rule 304 (relating to limited admission of spouses of active-duty members of the United States Uniformed Services).

\* \* \* \* \*

*Censure*—Public censure by the Supreme Court **under Enforcement Rule 204(a)(3) (relating to types of discipline).**

\* \* \* \* \*

*“Disability inactive status.”* **The license status of an attorney who: has been transferred to this status by order of the Court under Enforcement Rule 301(c) after having been judicially declared incapacitated by another court; has been declared incapacitated by order of the Court under Enforcement Rule 301(d) from continuing the practice of law; is transferred to disability inactive status by order of the Court under Enforcement Rule 301(e) after contending during a pending disciplinary proceeding that he or she is suffering from a disability by reason of physical or mental infirmity or illness that makes it impossible for the attorney to prepare an adequate defense; or has been placed on disability inactive status in another jurisdiction and is transferred to disability inactive status by reciprocal order of the Court under Enforcement Rule 216. The term “disability inactive status” includes any transfer to inactive status based on disability under Rule 216 or 301. An attorney on disability inactive status is ineligible to practice law in Pennsylvania.**

*“Disbarment.”* **A type of discipline in which the Court withdraws the offending attorney’s privilege to practice law for an unspecified period of at least five years with no basis for an expectation to resume the practice of law.**

\* \* \* \* \*

*Disciplinary Rules*—The provisions of the Code of Professional Responsibility as adopted by the Supreme Court of Pennsylvania May 20, 1970, 438 Pa. XXV, as amended from time to time by special order of the Court and governing lawyer conduct occurring or beginning on or before March 31, 1988 as well as the provisions of the Rules of Professional Conduct as adopted by the Supreme Court of Pennsylvania on October 16, 1987, 515 Pa. LXIX, and effective on April 1, 1988, as amended from time to time by special order **of the Court.**

*“Emeritus status.”* **The license status of an attorney admitted in Pennsylvania who has elected emeritus status, pursuant to Enforcement Rule 403, in order to provide the type of pro bono services**

**authorized by Rule 403 and is current on all registration requirements under that rule.**

\* \* \* \* \*

*Foreign legal consultant*—A person **or the license status of a person** who holds a current license as a foreign legal consultant issued under [ Rule 341 of the ] Pennsylvania Bar Admission [ Rules ] **Rule 341 (relating to the licensing of foreign legal consultants).**

\* \* \* \* \*

*Formerly admitted attorney*—A disbarred, suspended, **temporarily suspended**, administratively suspended, permanently resigned, retired, [ or ] inactive, **or disability inactive** attorney.

\* \* \* \* \*

*“Inactive status.”* **The license status of an attorney who is admitted in Pennsylvania and has either elected inactive status under Enforcement Rule 219 (relating to annual registration and assessment) or has sold his or her practice by reason of disability pursuant to Rule 1.17(f) of the Pennsylvania Rules of Professional Conduct. An attorney on inactive status is ineligible to practice law in Pennsylvania.**

*Informal admonition*—[ Private informal admonition ] **A type of private discipline administered by Disciplinary Counsel.**

\* \* \* \* \*

*“Judge status.”* **The license status of a justice or judge serving on the following Pennsylvania courts of record: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and a justice or judge serving on the following federal courts: Supreme, Court of Appeals, Bankruptcy, and District Court, including full-time and part-time magistrate judges not otherwise engaged in the practice of law. This status includes a justice or judge who served on one of these courts and is granted senior status. An attorney on judge status is exempt from annual registration under Enforcement Rule 219(a)(2).**

\* \* \* \* \*

*“Limited In-House Corporate Counsel.”* An attorney **or the license status of an attorney** holding a limited admission to practice under Pennsylvania Bar Admission Rule 302 (relating to limited admission of in-house corporate counsel).

*Military attorney*—An attorney **or the license status of an attorney** holding a limited admission to practice under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys).

*“Permanent resignation.”* **The license status of an attorney who has elected to permanently resign from the Pennsylvania bar under Enforcement Rule 404. An attorney on permanent resignation status is ineligible to practice law in Pennsylvania.**

\* \* \* \* \*

*Private reprimand*—[ Private reprimand ] **A type of private discipline imposed** by the Board.

\* \* \* \* \*

*Public reprimand*—[ Public reprimand ] **A type of discipline imposed** by the Board.

\* \* \* \* \*

**“Retired status.” The license status of an attorney admitted in Pennsylvania who elects this status after having ceased the practice of law in Pennsylvania. An attorney on retired status is ineligible to practice law in Pennsylvania.**

\* \* \* \* \*

**“Suspension.” A type of discipline in which the Court withdraws the offending attorney’s privilege to practice law for a period not exceeding five years. A suspended attorney may resume the practice of law only upon the entry of an order of the Court reinstating the attorney to active status.**

\* \* \* \* \*

**Subchapter B. MISCONDUCT**

**Rule 201. Jurisdiction.**

(a) The exclusive disciplinary jurisdiction of the Supreme Court under these rules extends to:

\* \* \* \* \*

(3) Any formerly admitted attorney, with respect to acts prior to suspension, disbarment, **temporary suspension**, administrative suspension, permanent resignation, or transfer to or assumption of retired, [ or ] inactive **or disability inactive** status, or with respect to acts subsequent thereto which amount to the practice of law or constitute the violation of the Disciplinary Rules, these rules or rules of the Board adopted pursuant hereto.

(4) Any attorney who is a justice, judge or **magisterial district [ justice ] judge**, with respect to acts prior to taking office as a justice, judge or **magisterial district [ justice ] judge**, if the Judicial Conduct Board declines jurisdiction with respect to such acts.

(5) Any attorney who resumes the practice of law, with respect to nonjudicial acts while in office as a justice, judge or **magisterial district [ justice ] judge**.

\* \* \* \* \*

**Rule 204. Types of discipline.**

\* \* \* \* \*

(c) A reference in these rules to disbarment, suspension, temporary suspension, administrative suspension, permanent resignation, or transfer to or assumption of retired, [ or ] inactive **or disability inactive** status, shall be deemed to mean, in the case of a respondent-attorney who holds a Limited In-House Corporate Counsel License, expiration of that license. A respondent-attorney whose Limited In-House Corporate Counsel License expires for any reason:

(1) shall be deemed to be a formerly admitted attorney for purposes of Rule 217 (relating to formerly admitted attorneys); and

(2) shall not be entitled to seek reinstatement under Rule 218 (relating to reinstatement **proceedings**) or Rule 219 (relating to [ **annual registration of attorneys** ] **administrative changes in status**) and instead must reapply for a Limited In-House Corporate Counsel License under Pennsylvania Bar Admission Rule 302.

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

\* \* \* \* \*

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

\* \* \* \* \*

(7) To assign:

\* \* \* \* \*

(iii) senior or experienced hearing committee members to consider a petition for reinstatement to active status from retired or inactive status, or administrative suspension, under Enforcement Rule 218 (relating to reinstatement **proceedings**) of a formerly admitted attorney who has not been suspended or disbarred.

\* \* \* \* \*

(18) **To establish, assess and collect:**

**(i) the necessary expenses incurred in the investigation and prosecution of a proceeding that results in the imposition of discipline, or the investigation and processing of a petition for reinstatement and in any proceeding resulting therefrom;**

**(ii) late payment penalties under Enforcement Rule 219(f)(1) for failure to timely complete annual registration; and**

**(iii) administrative fees for status changes where a petition for reinstatement is not required.**

**(19) To assess and collect reinstatement filing fees, administrative fees based on the imposition of a type of discipline or transfer to disability inactive status under Enforcement Rule 301(e), and penalties on unpaid taxed expenses and administrative fees.**

**(20) To establish, charge and collect a collection fee for any payment under paragraphs (18) and (19) that has been returned to the Board unpaid.**

(21) To exercise the powers and perform the duties vested in and imposed upon the Board by law.

\* \* \* \* \*

**Rule 208. Procedure.**

\* \* \* \* \*

(f) *Emergency temporary suspension orders and related relief.*

(1) Disciplinary Counsel, with the concurrence of a reviewing member of the Board, whenever it appears by an affidavit demonstrating facts that the continued practice of law by a person subject to these rules is causing immediate and substantial public or private harm because of the misappropriation of funds by such person to his or her own use, or because of other egregious conduct, in manifest violation of the Disciplinary Rules or the Enforcement Rules, may petition the Supreme Court for injunctive or other appropriate relief. A copy of the petition shall be personally served upon the respondent-attorney by Disciplinary Counsel. If Disciplinary Counsel cannot make personal service after reasonable efforts to locate and serve the respondent-attorney, Disciplinary Counsel may serve the petition by delivering a copy to an employee, agent or other responsible person at the office of the respondent-attorney, and if that method of service is unavailable, then by mailing a copy of the petition by regular and certified mail addressed to the addresses furnished by the respondent-attorney in the last registration [ **statement** ] **form** filed by the respondent-attorney pursuant to **Enforcement Rule [ 219(d) ] 219(c)**. Service is complete upon delivery or mailing, as the case may be. The Court, or any justice thereof, may enter a rule directing the respondent-attorney to show cause why the respondent-attorney should not be placed on temporary suspension, which rule shall be returnable within ten days. The Court, or any justice thereof, may, before or after issuance of the rule, issue:



(i) such orders to the respondent-attorney, and to such financial institutions or other persons as may be necessary to preserve funds, securities or other valuable property of clients or others which appear to have been misappropriated or mishandled in manifest violation of the Disciplinary Rules; and

(ii) an order directing the president judge of the court of common pleas in the judicial district where the respondent-attorney maintains his or her principal office for the practice of law or conducts his or her primary practice, to take such further action and to issue such further orders as may appear necessary to fully protect the rights and interests of the clients of the respondent-attorney when:

(A) the respondent-attorney does not respond to a rule to show cause issued after service of the petition pursuant to subdivision (f)(1); or

(B) Disciplinary Counsel's petition demonstrates cause to believe that the respondent-attorney is unavailable to protect the interests of his or her clients for any reason, including the respondent-attorney's disappearance, abandonment of practice, incarceration, or incapacitation from continuing the practice of law by reason of mental infirmity or illness or because of addiction to drugs or intoxicants.

Where the Court enters an order under (f)(1)(ii), the Board shall promptly transmit a certified copy of the order to the president judge, whose jurisdiction and authority under this rule shall extend to all client matters of the respondent-attorney.

Where the Court enters an order under (f)(1)(i) or (ii) before the issuance of a rule or before the entry of an order of temporary suspension under paragraph (f)(2), the Court Prothonotary shall serve a certified copy of the Court's order on the respondent-attorney by regular mail addressed to the address furnished by the respondent-attorney in the last registration [ **statement** ] **form** filed by the respondent-attorney and to an address where the respondent-attorney is located if that address is known.

\* \* \* \* \*

(g) *Costs and fees.*—

(1) [ **The** ] **Unless otherwise directed by the Supreme Court, [ in its discretion may direct that ] the respondent-attorney shall pay** the necessary expenses incurred in the investigation and prosecution of a proceeding which results in the imposition of discipline **or transfer to disability inactive status [ shall be paid by the respondent-attorney ]**. All expenses taxed under this paragraph pursuant to orders of suspension that are not stayed in their entirety or disbarment shall be paid by the respondent-attorney within 30 days after notice transmitted to the respondent-attorney of taxed expenses. In all other cases, expenses taxed under this paragraph shall be paid by the respondent-attorney within 30 days of entry of the order taxing the expenses against the respondent-attorney.

(2) In the event a proceeding is concluded by informal admonition, private reprimand or public reprimand, the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the proceeding shall be paid by the respondent-attorney. All expenses taxed by the Board under this paragraph shall be paid by the respondent-attorney within 30 days of entry of the order taxing the expenses against the respondent-attorney. The expenses which shall be taxable under this paragraph shall be prescribed by Board rules.

[ (3) **Failure to pay taxed expenses within 30 days after the date of the entry of the order taxing such expenses in cases other than a suspension that is not stayed in its entirety or disbarment will be deemed a request to be administratively suspended pursuant to Rule 219(l).**

(4) **In addition to the payment of any expenses under paragraph (1) or (2), the respondent-attorney shall pay upon final order of discipline an administrative fee pursuant to the following schedule:**

<b>Informal Admonition:</b>	<b>\$250</b>
<b>Private Reprimand:</b>	<b>\$400</b>
<b>Public Reprimand:</b>	<b>\$500</b>
<b>Public Censure:</b>	<b>\$750</b>
<b>Suspension (1 year or less):</b>	<b>\$1,000</b>
<b>Suspension (more than 1 year):</b>	<b>\$1,500</b>
<b>Disbarment:</b>	<b>\$2,000</b>
<b>Disbarment on Consent:</b>	<b>\$1,000</b>
<b>Transfer to Inactive Status following discipline</b>	<b>\$1,000</b>

(i) **Where a disciplinary proceeding concludes by Joint Petition for Discipline on Consent other than disbarment prior to the commencement of the hearing, the fee imposed shall be reduced by 50%.**

(ii) **Where a disciplinary proceeding concludes by Joint Petition for Discipline on Consent other than disbarment subsequent to the commencement of the hearing, the Board in its discretion may reduce the fee by no more than 50%. ]**

**(3) In addition to the payment of any expenses under paragraph (1) or (2), the respondent-attorney shall pay upon assessment an administrative fee pursuant to the following schedule:**

<b><u>Informal Admonition:</u></b>	<b><u>\$250</u></b>
<b><u>Private Reprimand:</u></b>	<b><u>\$400</u></b>
<b><u>Public Reprimand:</u></b>	<b><u>\$500</u></b>
<b><u>Public Censure:</u></b>	<b><u>\$750</u></b>
<b><u>Suspension (1 year or less):</u></b>	<b><u>\$1,000</u></b>
<b><u>Suspension (more than 1 year):</u></b>	<b><u>\$1,500</u></b>
<b><u>Disbarment:</u></b>	<b><u>\$2,000</u></b>
<b><u>Disbarment on Consent:</u></b>	<b><u>\$1,000</u></b>
<b><u>Disability Inactive under Rule 301(e):</u></b>	<b><u>\$500</u></b>

**(i) Where a disciplinary proceeding concludes by Joint Petition for Discipline on Consent other than disbarment prior to the commencement of the hearing, the fee imposed shall be reduced by 50%.**

**(ii) Where a disciplinary proceeding concludes by Joint Petition for Discipline on Consent other than disbarment subsequent to the commencement of the hearing, the Board in its discretion may reduce the fee by no more than 50%.**

**(4) Failure to pay taxed expenses and administrative fees within 30 days after the date of the entry of the order taxing such expenses in cases other than a suspension that is not stayed in its entirety or disbarment will be deemed a request to be administratively suspended pursuant to Enforcement Rule 219(g)(3).**

(5) *Assessed Penalties on Unpaid Taxed Expenses and Administrative Fees.*

(i) Failure to pay taxed expenses within thirty days of the assessment becoming final in accordance with subdivisions (g)(1) [ **and** ] **or** (g)(2), [ **and/or** ] **or** failure to pay administrative fees assessed in accordance with subdivision [ (g)(4) ] (g)(3) within thirty days of notice transmitted to the respondent-attorney, shall result in the assessment of a penalty, levied monthly at the rate of 0.8% of the unpaid principal balance, or such other rate as established by the Supreme Court of Pennsylvania, from time to time.

(ii) Monthly penalties shall not be retroactively assessed against unpaid balances existing prior to the enactment of the rule; monthly penalties shall be assessed against these unpaid balances prospectively, starting 30 days after the effective date of the rule.

(iii) The Disciplinary Board for good cause shown, may reduce the penalty or waive it in its entirety.

**Note: The Board shall charge a collection fee for any payment that has been returned to the Board unpaid.**

\* \* \* \* \*

**Rule 212. Substituted service.**

In the event a respondent-attorney cannot be located and personally served with notices required under these rules, such notices may be served upon the respondent-attorney by addressing them to the address furnished by the respondent-attorney in the last registration [ **statement** ] **form** filed by such person in accordance with Enforcement Rule [ 219(d) ] 219(c) (relating to annual registration [ **of attorneys** ] **and assessment**) or, in the case of a foreign legal consultant, by serving them pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8).

**Rule 216. Reciprocal discipline and disability.**

(a) Upon receipt of a certified copy of a final adjudication of any court or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States court or the District of Columbia, a United States court, or a federal administrative agency or a military tribunal demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension, disbarment, or revocation of license or pro hac vice admission, or has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation in another jurisdiction or has been transferred to disability inactive status, the Supreme Court shall forthwith issue a notice directed to the respondent-attorney containing:

(1) a copy of the final adjudication described in paragraph (a); and

(2) an order directing that the respondent-attorney inform the Court within 30 days from service of the notice, of any claim by the respondent-attorney that the imposition of the identical or comparable discipline or disability inactive status in this Commonwealth would be unwarranted, and the reasons therefor.

The Board shall cause this notice to be served upon the respondent-attorney by mailing it to the address furnished by the respondent-attorney in the last registration [ **statement** ] **form** filed by such person in accordance

with Enforcement Rule [ 219(d) ] 219(c) (relating to annual registration [ **of attorneys** ] **and assessment**) or, in the case of a foreign legal consultant, by serving it pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8).

\* \* \* \* \*

*(Editor's Note: Rule 217 as printed in 204 Pa. Code reads "Official Note" rather than "Note.")*

**Rule 217. Formerly admitted attorneys.**

(a) A formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status and shall advise said clients to seek legal advice elsewhere. The notice required by this subdivision (a) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Board and shall serve a conforming copy on Disciplinary Counsel. *See* D.Bd. Rules § 91.91(b) (relating to filing of copies of notices).

*Note:* Notice may be accomplished, for example, by delivery in person with the lawyer securing a signed receipt, electronic mailing with some form of acknowledgement from the client other than a "read receipt," and mailing by registered or certified mail, return receipt requested.

(b) A formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney. The notice required by this subdivision (b) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. *See* Note after subdivision (a), *supra*. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this

subdivision and proofs of receipt with the Board and shall serve a conforming copy on Disciplinary Counsel. See D.Bd. Rules § 91.92(b) (relating to filing of copies of notices).

(c) A formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status:

(1) all persons or their agents or guardians, including but not limited to wards, heirs and beneficiaries, to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status;

(2) all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing; and

(3) any other tribunal, court, agency or jurisdiction in which the attorney is admitted to practice.

The notice required by this subdivision (c) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. See Note after subdivision (a), *supra*. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Board and shall serve a conforming copy on Disciplinary Counsel. The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended, **temporarily suspended**, administratively suspended or on **disability** inactive status.

(d)(1) Orders imposing suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status shall be effective 30 days after entry. The formerly admitted attorney, after entry of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

\* \* \* \* \*

(e)(1) Within ten days after the effective date of the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status order, the formerly admitted attorney shall file with the Board a verified statement and serve a copy on Disciplinary Counsel. In the verified statement, the formerly admitted attorney shall:

(i) aver that the provisions of the order and these rules have been fully complied with;

(ii) list all other state, federal and administrative jurisdictions to which the formerly admitted attorney is admitted to practice, aver that he or she has fully complied with the notice requirements of paragraph (3) of subdivision (c) of this Rule, and aver that he or she has attached copies of the notices and proofs of receipt required by (c)(3); or, in the alternative, aver that he or she was not admitted to practice in any other tribunal, court, agency or jurisdiction;

(iii) aver that he or she has attached copies of the notices required by subdivisions (a), (b), and (c)(1) and (c)(2) of this Rule and proofs of receipt, or, in the alternative, aver that he or she has no clients, third persons to whom a fiduciary duty is owed, or persons with whom the formerly admitted attorney has professional contacts, to so notify;

(iv) in cases of disbarment or suspension for a period exceeding one year, aver that he or she has attached his or her attorney registration **license card or** certificate for the current year, certificate of admission, any certificate of good standing issued by the Court Prothonotary, and any other certificate required by subdivision (h) of this Rule to be surrendered; or, in the alternative, aver that he or she has attached all such documents within his or her possession, or that he or she is not in possession of any of the certificates required to be surrendered;

(v) aver that he or she has complied with the requirements of paragraph (2) of subdivision (d) of this Rule, and aver that he or she has, to the extent practicable, attached proof of compliance, including evidence of the destruction, removal, or abandonment of indicia of Pennsylvania practice; or, in the alternative, aver that he or she neither had nor employed any indicia of Pennsylvania practice;

(vi) in cases of disbarment, suspension for a period exceeding one year, temporary suspension under Enforcement Rule 208(f) or 213(g), or disability inactive status under Enforcement Rule 216 or 301, aver that he or she has complied with the requirements of paragraph (3) of subdivision (d) of this Rule, and aver that he or she has attached proof of compliance, including resignation notices, evidence of the closing of accounts, copies of cancelled checks and other instruments demonstrating the proper distribution of client and fiduciary funds, and requests to cancel advertisements and telecommunication listings; or, in the alternative, aver that he or she has no applicable appointments, accounts, funds, advertisements, or telecommunication listings;

(vii) aver that he or she has served a copy of the verified statement and its attachments on Disciplinary Counsel;

(viii) set forth the residence or other address where communications to such person may thereafter be directed; and

(ix) sign the statement.

The statement shall contain an averment that all statements contained therein are true and correct to the best of the formerly admitted attorney's knowledge, information and belief, and are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

*Note:* A respondent-attorney who is placed on temporary suspension is required to comply with subdivision (e)(1) and file a verified statement. Upon the entry of a final order of suspension or disbarment, the respondent-attorney must file a supplemental verified statement containing the information and documentation not applicable at the time of the filing of the initial statement, or all of the information and documentation required by subdivision (e)(1) if the respondent-attorney has failed to file the initial statement. Although the grant of retroactivity is always discretionary, a respondent-attorney who



fails to file a verified statement at the time of temporary suspension should not expect a final order to include a reference to retroactivity.

\* \* \* \* \*

(f) The Board shall cause a notice of the suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status to be published in the legal journal and a newspaper of general circulation in the county in which the formerly admitted attorney practiced. The cost of publication shall be assessed against the formerly admitted attorney.

(g) The Board shall promptly transmit a certified copy of the order of suspension, disbarment, **temporary suspension**, administrative suspension or transfer to **disability** inactive status to the president judge of the court of common pleas in the judicial district in which the formerly admitted attorney practiced. The president judge shall make such further order as may be necessary to fully protect the rights of the clients of the formerly admitted attorney.

(h) Within ten days after the effective date of an order of disbarment or suspension for a period longer than one year, the formerly admitted attorney shall surrender to the Board the **license card or certificate** issued by the Attorney Registration Office under **Enforcement Rule [ 219(e) ] 219(d)** (relating to annual registration **[ of attorneys ] and assessment**) for the current year, along with any certificate of good standing issued under Pennsylvania Bar Admission Rule **[ 201(d) ] 201(c)** (relating to certification of good standing), certificate of admission issued under Pennsylvania Bar Admission Rule 231(d)(3) (relating to action by Court Prothonotary), certificate of licensure issued under Pennsylvania Bar Admission Rule 341(e)(3) (relating to motion for licensure), Limited In-House Corporate Counsel License issued under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license), limited certificate of admission issued under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys), limited certificate of admission issued under Pennsylvania Bar Admission Rule 304 (relating to limited admission of attorney spouses of active-duty service members), or limited certificate of admission issued under Pennsylvania Bar Admission Rule 311 (relating to attorney participants in defender or legal services programs). The Board may destroy the annual **license card or certificate** issued under **Enforcement Rule [ 219(e) ] 219(d)**, but shall retain any other documents surrendered under this subdivision and shall return those documents to the formerly admitted attorney in the event that he or she is subsequently reinstated.

(i) A formerly admitted attorney shall keep and maintain records of the various steps taken by such person under these rules so that, upon any subsequent proceeding instituted by or against such person, proof of compliance with these rules and with the disbarment, suspension, **temporary suspension**, administrative suspension or transfer to **disability** inactive status order will be available. Proof of compliance with these rules shall be a condition precedent to any petition for reinstatement.

(j) A formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements:

\* \* \* \* \*

(4) Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities:

(i) performing any law-related activity for a law firm, organization or lawyer if the formerly admitted attorney was associated with that law firm, **organization** or lawyer on or after the date on which the acts which resulted in the disbarment, **[ or ] suspension or temporary suspension** occurred, through and including the effective date of disbarment, **[ or ] suspension or temporary suspension**;

(ii) performing any law-related services from an office that is not staffed by a supervising attorney on a **[ full time ] full-time** basis;

(iii) performing any law-related services for any client who in the past was represented by the formerly admitted attorney;

(iv) representing himself or herself as a lawyer or person of similar status;

(v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3);

(vi) rendering legal consultation or advice to a client;

(vii) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body;

(viii) appearing as a representative of the client at a deposition or other discovery matter;

(ix) negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction; **and**

(x) receiving, disbursing or otherwise handling client funds.

\* \* \* \* \*

*(Editor's Note: Rule 218 as printed in 204 Pa. Code reads "Official Note" rather than "Note.")*

Rule 218. Reinstatement **proceedings**.

(a) An attorney may not resume practice until reinstated by order of the Supreme Court after petition pursuant to this rule if the attorney **[ was ]**:

**[ (1) suspended for a period exceeding one year;**

**(2) ] (1) is on retired status, [ on ] inactive status or [ on ] administrative suspension [ if the formerly admitted attorney ] and** has not been on active status at any time within the **[ past ] preceding** three years;

**Note: An attorney who has been on retired status, inactive status, or administrative suspension for three years or less may be eligible for reinstatement to active status under Enforcement Rule 219(h).**

**[ (3) ] (2) [ transferred to ] assumed** inactive status **[ as a result of the sale of ] under Enforcement Rule 219(i)(1) in connection with** the sale of his or her

practice pursuant to Rule 1.17(f) of the Pennsylvania Rules of Professional Conduct (**relating to the sale of a law practice by reason of disability**); [ or ]

**(3) was transferred to disability inactive status, except that an attorney who is on disability inactive status under Enforcement Rule 301(c) shall be subject to the provisions of this rule only if the Court so directs;**

**(4) was suspended for a period exceeding one year; or**

[ (4) ] (5) was disbarred.

\* \* \* \* \*

(c) The procedure for petitioning for reinstatement from **disability inactive status**, suspension for a period exceeding one year or disbarment is as follows:

\* \* \* \* \*

(2) Within 60 days after the filing of a petition for reinstatement, Disciplinary Counsel shall file a response thereto with the Board and serve a copy on the formerly admitted attorney. Upon receipt of the response, the Board shall refer the petition and response to a hearing committee in the disciplinary district in which the formerly admitted attorney maintained an office at the time of the disbarment or suspension. If any other formal disciplinary proceedings are then pending [ or have been authorized ] against the formerly admitted attorney **at the time the Board refers the matter to a hearing committee or are authorized after the referral and at any time prior to the hearing**, the reinstatement and disciplinary matters may be heard by the same hearing committee. In such case the combined hearing shall be held not later than 45 days after receipt by the Board of the response to the petition for reinstatement.

*Note:* If Disciplinary Counsel objects to reinstatement of the formerly admitted attorney, the response to the petition for reinstatement should explain in reasonable detail the reasons for the objection.

\* \* \* \* \*

(d) The procedure for petitioning for reinstatement from: retired status for more than three years; inactive status for more than three years; administrative suspension for more than three years; retired status, inactive status or administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years; or after transfer to inactive status as a result of the sale of a law practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, is as follows:

(1) Petitions for reinstatement shall be filed with the Board.

(2) Within 60 days after the filing of a petition for reinstatement, Disciplinary Counsel shall either:

(i) file a response thereto with the Board and serve a copy on the formerly admitted attorney; or

(ii) file a certification with the Board stating that after a review of the petition for reinstatement and reasonably diligent inquiry, Disciplinary Counsel has determined that there is no impediment to reinstatement and that the petitioner-attorney will meet his or her burden of proof under paragraph (d)(3) if the petition were to proceed to hearing under (d)(4).

*Note:* If Disciplinary Counsel objects to reinstatement of the formerly admitted attorney under (d)(2)(i), the response to the petition for reinstatement should explain in reasonable detail the reasons for the objection.

(3) A formerly admitted attorney [ who has been on retired status, inactive status or administrative suspension ] **seeking reinstatement under this subdivision (d)** shall have the burden of demonstrating that such person has the moral qualifications, competency and learning in the law required for admission to practice in the Commonwealth.

(4) Upon receipt of a response under (d)(2)(i), the Board shall refer the petition and response to a single senior or experienced hearing committee member in the disciplinary district in which the formerly admitted attorney maintained an office at the time of transfer to or assumption of retired or inactive status, or transfer to administrative suspension; the single senior or experienced hearing committee member shall promptly schedule a hearing during which the hearing committee member shall perform the functions of a hearing committee under this subdivision (d). The rules of the Board may provide for abbreviated procedures to be followed by the hearing committee member, except that the abbreviated procedure shall not be available at any hearing conducted after review by a designated Board Member pursuant to paragraph (d)(6) of this rule. If any other formal disciplinary proceedings are then pending [ or have been authorized ] against the formerly admitted attorney **at the time the Board refers the matter to a hearing committee or are authorized after the referral and at any time prior to the hearing**, the reinstatement and disciplinary matters may be heard by the same hearing committee. In such case the combined hearing shall be held not later than 45 days after receipt by the Board of the response to the petition for reinstatement.

\* \* \* \* \*

(f)(1) At the time of the filing of a petition for reinstatement with the Board, a non-refundable reinstatement filing fee shall be assessed against a petitioner-attorney. The filing fee schedule is as follows:

Reinstatement from disbarment or suspension for more than one year:	\$1,000
Reinstatement from administrative suspension (more than three years):	\$500
Reinstatement from inactive/retired status (more than three years):	\$250
Reinstatement from <b>disability</b> inactive status [ pursuant to ] under Enforcement Rule 301:	\$250

(2) [ The ] **Unless otherwise directed by the Supreme Court, [ in its discretion may direct that ] the petitioner-attorney shall pay** the necessary expenses incurred in the investigation and processing of the petition for reinstatement [ be paid by the petitioner-attorney ] **and in any proceeding that results in the grant, denial or withdrawal of the petition.** After [ the ] a Supreme Court Order **granting reinstatement** is entered, the annual [ fee ] **assessment** required by **Enforcement Rule [ 219(a) ] 219(b)** for the current year shall be paid to the Attorney Registration Office.

(3) Failure to pay expenses taxed under Enforcement Rule 218(f)(2) within thirty days of the entry of the Supreme Court Order shall result in the assessment of a penalty, levied monthly at the rate of 0.8% of the unpaid principal balance, or such other rate as established by the Supreme Court from time to time. The Board, for good cause shown, may reduce the penalty or waive it in its entirety.

**Note: The Board shall charge a collection fee for any payment that has been returned to the Board unpaid.**

\* \* \* \* \*

(g)(1) Upon the expiration of any term of suspension not exceeding one year and upon the filing thereafter by the formerly admitted attorney with the Board of a verified statement showing compliance with all the terms and conditions of the order of suspension and of Enforcement Rule 217 (relating to formerly admitted attorneys), along with the payment of a non-refundable filing fee of \$250, the Board shall certify such fact to the Supreme Court, which shall immediately enter an order reinstating the formerly admitted attorney to active status, unless such person is subject to another outstanding order of **temporary suspension**, suspension or disbarment.

(2) Paragraph (1) of this subdivision shall not be applicable and a formerly admitted attorney shall be subject instead to the other provisions of this rule requiring the filing of a petition for reinstatement, if:

(i) other formal disciplinary proceedings are then pending or have been authorized against the formerly admitted attorney;

(ii) the formerly admitted attorney has been on retired status, inactive status or administrative suspension for more than three years;

(iii) the formerly admitted attorney has not been on active status for more than three years due to a combination of retired status, inactive status, administrative suspension, **temporary suspension** and/or a term of suspension not exceeding one year and had not been on active status at any time within the three-year period preceding the entry of the order; or

(iv) the order of suspension has been in effect for more than three years.

**[ (h) Attorneys who have been on inactive status, retired status or administrative suspension for three years or less may be reinstated to the roll of those classified as active pursuant to Enforcement Rule 219(h), (i), (j) or (m) (relating to annual registration of attorneys) as appropriate. This subdivision (h) does not apply to:**

(1) a formerly admitted attorney who, on the date of the filing of the request for reinstatement, had not been on active status at any time within the preceding three years; or

(2) an attorney who has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct.

(i) **[ (h) The Board may cause a notice of the reinstatement to be published in one or more appropriate legal journals and newspapers of general circulation. The cost of publication shall be assessed against the petitioner-attorney.**

**[ (j) (i) The Board when appropriate shall promptly transmit to the president judge of the court of common**

pleas in the judicial district in which the formerly admitted attorney practiced a copy of:

(1) **[ the certification filed with the Court Prothonotary under Enforcement Rule 219(h) or (m) ] a notice of any action by the Attorney Registration Office administratively reinstating an attorney to active status under Enforcement Rule 219(h); or**

(2) any other order of reinstatement entered under these rules.

**[ (k) ] (j) If Disciplinary Counsel shall have probable cause to believe that any formerly admitted attorney:**

(1) has failed to comply with this rule or **Enforcement Rule 217** (relating to formerly admitted attorneys), or

(2) is otherwise continuing to practice law, Disciplinary Counsel may bring an action in any court of competent jurisdiction for such injunctive and other relief as may be appropriate.

**[ Rule 219. Annual registration of attorneys.**

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of \$195.00 and electronically file the annual fee form provided for in this rule by July 1. The fee shall be collected under the supervision of the Attorney Registration Office, which shall make the annual fee form available for filing through a link on the Board's website (<http://www.padisciplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form. An attorney may apply to the Board for a waiver of the annual fee on the basis of financial hardship by submitting a waiver application and required documentation to the Attorney Registration Office by July 1. Financial hardship shall be determined by reference to the federal poverty guidelines.

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

(b) The following shall be exempt from paying the annual fee required by subdivision (a):

(1) Justices or judges serving in the following Pennsylvania courts of record shall be exempt for such time as they serve in office: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and justices or judges serving an appointment for life on any federal court;

(2) retired attorneys;

(3) permanently resigned attorneys under Enforcement Rule 404; and

(4) military attorneys holding a limited certificate of admission issued under Pa.B.A.R. 303 (relating to admission of military attorneys).



*Note:* The exemption created by subdivision (b)(1) does not include Pittsburgh Municipal Court judges, magisterial district judges, arraignment court magistrates or administrative law judges.

(c) On or before May 15 of each year, the Attorney Registration Office shall transmit to all attorneys required by this rule to pay an annual fee a notice by e-mail to register electronically by July 1. Failure to receive notice shall not excuse the filing of the annual fee form or payment of the annual fee.

(d) On or before July 1 of each year all attorneys required by this rule to pay an annual fee shall electronically file with the Attorney Registration Office an electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

(i) The date on which the attorney was admitted to practice, licensed as a foreign legal consultant, granted limited admission as an attorney participant in defender or legal services programs, issued a Limited-In-House Corporate Counsel License, or granted limited admission as an attorney spouse of an active-duty service member, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been licensed to practice law, with the current status thereof.

(ii) The current e-mail, residence and office addresses of the attorney, the latter two of which shall be an actual street address or rural route box number. The Attorney Registration Office shall refuse to accept a form that sets forth only a post office box number for either the residence or office address. A preferred mailing address different from those addresses may also be provided on the form and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, as well as telephone and fax number will be accessible through the website of the Board (<http://www.padisciplinaryboard.org>) and by written or oral request to the Board. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed.

*Note:* Public web docket sheets will show the attorney's address as entered on the court docket.

(iii) The name of each Financial Institution, as defined in Pa.R.P.C. 1.15(a)(4), within or outside this Commonwealth in which the attorney, from May 1 of the previous year to the date of the filing of the annual fee form, held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The form shall include the name and account number for each account in which the attorney held such funds, and each IOLTA Account shall be identified as such. The form provided to a person holding a Limited In-House Corporate Counsel License or a Foreign Legal Consultant License need not request the information required by this subparagraph.

For purposes of this subparagraph, the phrase "funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct" means funds that belong to a client or third person and that an attorney receives:

(A) in connection with a client-lawyer relationship;

(B) as an escrow agent, settlement agent, representative payee, personal representative, guardian, conservator, receiver, trustee, agent under a durable power of attorney, or other similar fiduciary position;

(C) as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such;

(D) in connection with nonlegal services that are not distinct from legal services;

(E) in connection with nonlegal services that are distinct from legal services, and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship; or

(F) as an owner, controlling party, employee, agent, or as one who is otherwise affiliated with an entity providing nonlegal services and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship.

*Note:* For purposes of subparagraph (iii), "funds of a third person" shall not include funds held in: 1) an attorney's personal account held jointly; or 2) a custodial account for a minor or dependent relative unless the source of any account funds is other than the attorney and his or her spouse.

If an attorney employed by a law firm receives fiduciary funds from or on behalf of a client and deposits or causes the funds to be deposited into a law firm account, the attorney must report the account of deposit under this subparagraph (iii).

(iv) Every account not reported under subparagraph (iii), that held funds of a client or a third person, and over which the attorney had sole or shared signature authority or authorization to transfer funds to or from the account, during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution (whether or not the entity qualifies as a "Financial Institution" under Pa.R.P.C. 1.15(a)(4)), location, and account number.

*Note:* Regarding "funds of a third person," see Note to Rule 219(d)(1)(iii).

(v) Every business operating account maintained or utilized by the attorney in the practice of law during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution, location and account number.

(vi) A statement that the attorney is familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of clients and

others and the maintenance of IOLTA Accounts, and with Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement regarding the mandatory reporting of overdrafts on fiduciary accounts.

(vii) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

(viii) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

*Note:* The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its website. The requirement of Rule 219(d)(3) that every attorney who has filed an annual fee form must give written notice to the Attorney Registration Office of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

(ix) Such other information as the Attorney Registration Office may from time to time direct.

(2) Payment of the annual fee shall be made in one of two ways: a) electronically by credit or debit card at the time of electronic transmission of the form through the online system of the Attorney Registration Office, which payment shall include a nominal fee to process the electronic payment; or b) by check or money order drawn on a U.S. bank, in U.S. dollars using a printable, mail-in voucher. IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted. If the annual fee form, voucher or payment is incomplete or if a payment of the annual fee has been returned to the Board unpaid, the annual fee shall not be deemed to have been paid until a collection fee, and one or both of the late payment penalties prescribed in subdivision (f) of this rule if assessed, shall also have been paid. The amount of the collection fee shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for payment returned to the Board unpaid.

(3) Every attorney who has filed the form shall notify the Attorney Registration Office in writing of any change in the information previously submitted, including e-mail address, within 30 days after such change, which notice shall be sent by mail or facsimile transmission, provided, however, that any change in the information required by subsections (d)(1)(iii), (iv) and (v) (collectively relating to financial account information) that occurs after the filing of the form required by subdivisions (a) and (d)(1) of this rule need only be reported on the next regular annual fee form due July 1. Attorneys must promptly ensure that IOLTA accounts are properly enrolled with the Pennsylvania IOLTA Board pursuant to the applicable IOLTA regulations. Failure to timely register and file the next annual fee form shall not excuse this subsection's requirement of

reporting changes in financial account information on an annual basis on or before July 1, and failure to make such a report shall constitute a violation of this rule.

(4) Upon original admission to the bar of this Commonwealth, licensure as a Foreign Legal Consultant, issuance of a Limited In-House Corporate Counsel License, limited admission as an attorney participant in defender or legal services programs, or limited admission as an attorney spouse of an active-duty service member, a person shall concurrently file a form under this subdivision for the current assessment year, but no annual fee shall be payable for the assessment year in which originally admitted or licensed.

(5) Submission of the annual fee form through electronic means signifies the attorney's intent to sign the form. By submitting the form electronically, the attorney certifies that the electronic filing is true and correct.

*Note:* Subsection (5) of subdivision (d) incorporates the language of *In Re: Provisions for Electronic Filing of Attorney Registration Statements*, No. 99 Disciplinary Rules Docket (Pa. Supreme Court, April 13, 2011).

(e) Upon receipt of a form, or notice of change of information contained therein, filed by an attorney in accordance with the provisions of subdivision (d) of this rule, and of payment of the required annual fee to practice law in this Commonwealth, receipt thereof shall be acknowledged on a certificate or license.

(f) Any attorney who fails to complete registration by July 16 shall be automatically assessed a non-waivable late payment penalty established by the Board. A second, non-waivable late payment penalty established by the Board shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 1, at which time the continued failure to comply with this rule shall be deemed a request to be administratively suspended. Thereafter, the Attorney Registration Office shall certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of this rule, and the Supreme Court shall enter an order administratively suspending the attorney. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Court Prothonotary. Upon entry of an order of administrative suspension, the Attorney Registration Office shall transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.

For purposes of assessing the late payment penalties prescribed by this subdivision (f), registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and of all outstanding collection fees and late payment penalties. If payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board

under subdivision (d)(2) of this rule, shall be added to the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of subdivision (h)(3) of this rule.

(g) The Attorney Registration Office shall provide to the Board a copy of any certification filed by the Attorney Registration Office with the Supreme Court pursuant to the provisions of this rule.

(h) An attorney who has been administratively suspended pursuant to subdivision (f) for three years or less is not eligible to file the annual fee form electronically. The procedure for reinstatement is as follows:

(1) The formerly admitted attorney shall submit to the Attorney Registration Office the form required by subdivision (d)(1) along with payment of:

- (i) the current annual fee;
- (ii) the annual fee that was due in the year in which the attorney was administratively suspended;
- (iii) the late payment penalties required by paragraph (3);
- (iv) any unpaid collection fee; and
- (v) a reinstatement fee of \$300.00.

(2) Upon receipt of the annual fee form, a verified statement showing compliance with Enforcement Rule 217 (relating to formerly admitted attorneys), and the payments required by paragraph (1), the Attorney Registration Office shall so certify to the Board and to the Supreme Court. Unless the formerly admitted attorney is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Attorney Registration Office with the Court Prothonotary of the Supreme Court shall operate as an order reinstating the person to active status.

Where payment of the fees and late payment penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall also have been paid.

(3) A formerly admitted attorney who is administratively suspended must pay the late payment penalties incurred in the year in which the formerly admitted attorney is transferred to administrative suspension. The amount of the late payment penalties shall be established by the Board annually after giving due regard to such factors as it considers relevant, including the direct and indirect costs incurred by the Board during the preceding year in processing the records of attorneys who fail to timely file the form required by subdivision (d) of this rule.

(i) *Retired Status:* An attorney who has retired must file by mail or deliver in person to the Attorney Registration Office an application for retirement and payment of any applicable late fees or penalties pursuant to subdivision (f). Upon the

transmission of such application from the Attorney Registration Office to the Supreme Court, the Court shall enter an order transferring the attorney to retired status, and the attorney shall no longer be eligible to practice law. The retired attorney will be relieved from payment of the annual fee imposed by this rule upon active practitioners and Enforcement Rule 217 (relating to formerly admitted attorneys) shall not be applicable to the formerly admitted attorney unless ordered by the Court in connection with the entry of an order of suspension or disbarment under another provision of these rules. An attorney on retired status for three years or less may be reinstated in the same manner as an inactive attorney, except that the retired attorney shall pay the annual active fee for the three most recent years or such shorter period in which the attorney was on retired status instead of the amounts required to be paid by an inactive attorney seeking reinstatement. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Court Prothonotary.

(j) *Inactive Status:* An attorney who is not engaged in practice in Pennsylvania, has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, or is not required by virtue of his or her practice elsewhere to maintain active licensure in the Commonwealth may request inactive status or continue that status once assumed. The attorney shall be removed from the roll of those classified as active until and unless such inactive attorney makes a request under paragraph (2) of this subdivision (j) for an administrative return to active status and satisfies all conditions precedent to the grant of such request; or files a petition for reinstatement under subdivision (d) of Enforcement Rule 218 (relating to procedure for reinstatement of an attorney who has been on inactive status for more than three years, or who is on inactive status and had not been on active status at any time within the prior three years) and is granted reinstatement pursuant to the provisions of that Enforcement Rule.

(1) An inactive attorney under this subdivision (j) shall continue to file the annual form required by subdivision (d), shall file the form through the online system identified in subdivision (a), and shall pay an annual fee of \$100.00 in the manner provided in subdivision (d)(2). Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any payment that has been returned to the Board unpaid, and being placed on administrative suspension pursuant to and in accordance with the provisions of subdivision (f) of this rule.

(2) *Administrative Change in Status from Inactive Status to Active Status:* An attorney on inactive status may request a resumption of active status form from the Attorney Registration Office. The form must be filed by mail or delivered in person to the Attorney Registration Office. Resumption of active status shall be granted unless the inactive attorney is subject to an outstanding order of suspension or disbarment, unless the inactive attorney has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct (see Enforcement Rule 218(h)), unless the inactive status has been in effect for more than three years, or unless the inactive attorney had not



been on active status at any time within the preceding three years (see Enforcement Rule 218(h)), upon the payment of:

(i) the active fee for the assessment year in which the application for resumption of active status is made or the difference between the active fee and the inactive fee that has been paid for that year; and

(ii) any collection fee or late payment penalty that may have been assessed pursuant to subdivision (f), prior to the inactive attorney's request for resumption of active status.

Where payment of fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to inactive status, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid.

*Note:* Subdivisions (h), (i) and (j) of this rule do not apply if, on the date of the filing of the request for reinstatement, the formerly admitted attorney has not been on active status at any time within the preceding three years. See Enforcement Rule 218(h)(1).

(k) *Administrative Change in Status From Administrative Suspension to Inactive Status:* An inactive attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by subdivision (j)(1) of this rule, may request an administrative change in status form from the Attorney Registration Office. The form must be filed by mail or delivered in person to the Attorney Registration Office and said Office shall change the status of an attorney eligible for inactive status under this subdivision upon receipt of:

- (1) the annual form required by subdivision (d);
- (2) payment of the annual fee required by subdivision (j)(1);
- (3) payment of the annual fee that was due in the year in which the attorney was administratively suspended;
- (4) payment of all collection fees and late payment penalties assessed under subdivisions (d)(2) and (f); and
- (5) payment of an administrative processing fee of \$100.00.

Where payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid.

An active attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by this rule must comply with subdivision (h) before becoming eligible to register as inactive or retired.

*Note:* Former subdivision (k), which was adopted by Order dated April 16, 2009 (No. 75 Disciplinary Rules Docket No. 1, Supreme Court), effective May 2, 2009, established a grace period of one year commencing on July 1, 2009 in which any attorney

who was on inactive status by order of the Supreme Court, could request and achieve reinstatement to active status under Enforcement Rule 218 or another applicable subdivision of Enforcement Rule 219 in order to avoid an automatic change in status to administrative suspension. The grace period was administratively extended to August 31, 2010, and any involuntarily inactive attorney who did not achieve active status by that date was transferred to administrative suspension on September 1, 2010.

(l) The Board shall transmit by certified mail to every attorney who fails to pay any taxed expenses under Enforcement Rule 208(g)(3) (relating to costs), addressed to the last known address of the attorney, a notice stating:

(1) That unless the attorney shall pay all such expenses within 30 days after the date of the notice, such failure to pay will be deemed a request to be administratively suspended, and at the end of such period the name of the attorney will be certified to the Supreme Court, which will enter an order administratively suspending the attorney.

(2) That upon entry of the order of administrative suspension, the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be enclosed with the notice.

(m) Upon payment of all expenses taxed pursuant to Enforcement Rule 208(g) by a formerly admitted attorney on administrative suspension solely for failure to comply with subdivision (l) of this rule, the Board shall so certify to the Supreme Court. Unless such person is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Board with the Court Prothonotary shall operate as an order reinstating the person to active status.

(n) A former or retired justice or judge who is not the subject of an outstanding order of discipline affecting his or her right to practice law and who wishes to resume the practice of law shall file with the Attorney Registration Office a notice in writing. The notice shall:

(1) describe:

(i) any discipline imposed within six years before the date of the notice upon the justice or judge by the Court of Judicial Discipline;

(ii) any proceeding before the Judicial Conduct Board or the Court of Judicial Discipline settled within six years before the date of the notice on the condition that the justice or judge resign from judicial office or enter a rehabilitation program; and

(2) include a waiver available through the Attorney Registration Office and signed by the justice or judge, if the notice discloses a proceeding described in subsection (1), of the confidentiality of the record in that proceeding for the limited purpose of making the record available to the Board in any subsequent proceeding under these rules.

An annual fee form will be provided by the Attorney Registration Office. The form must be filed by mail or delivered in person to said Office and be accompanied by payment of the full annual fee for the assessment year in which the notice is filed. ]

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

**Rule 219. Annual registration and assessment. Administrative suspension. Administrative changes in status.**

(a) *Annual Registration Period.* The annual registration period shall run from July 1 to June 30. On or before May 15 of each year, the Attorney Registration Office shall transmit an electronic notice to register and pay the annual assessment by July 1. Failure to receive notice shall not excuse the filing of the annual registration form and payment of the annual assessment.

(1) *Attorneys required to register.* Attorneys on the following license statuses are required to register annually:

- (i) Active status.
- (ii) Attorneys holding the following limited licenses:
  - (A) Foreign legal consultant;
  - (B) Limited In-House Corporate Counsel;
  - (C) Attorney participant in defender or legal services programs; and
  - (D) Attorney spouse of an active-duty service member.
- (iii) Inactive status.

*Note:* Attorneys admitted to the bar less than one year prior to July 1 are required to register.

(2) *Attorneys exempt from registration.* Attorneys on the following license statuses shall be exempt from annual registration:

- (i) Judge status.
- (ii) Retired status.
- (iii) Emeritus status, except that such attorneys shall be governed by the renewal provisions of Enforcement Rule 403(g).
- (iv) Military attorney status.

(b) *Annual Assessment.* On or before July 1 of each year, all attorneys required by paragraph (a)(1) of this rule to register, and who elect one of those statuses, shall pay an annual assessment. Payment of the annual assessment shall be made by credit or debit card or by check or money order drawn on a U.S. financial institution in U.S. dollars. Payment shall not be made using an IOLTA, trust, escrow, or other fiduciary account.

(1) *Active status.* The total annual assessment for active status is \$275.

(2) *Limited licenses.* The total annual assessment for attorneys holding limited licenses under paragraph (a)(1)(ii) is \$275.

(3) *Inactive status.* The annual assessment for inactive status is \$100.

An attorney may apply to the Board for a waiver of the annual assessment on the basis of financial hardship by submitting a waiver application and required documentation to the Attorney Registration Office by July 1. Financial hardship shall be determined by reference to the federal poverty guidelines.

*Note:* The total annual assessment required by paragraphs (b)(1) and (2) is apportioned as follows: \$195 to the Disciplinary Board; \$50 to the Pennsylvania Lawyers Fund for Client Security, *see* Enforcement Rule 502(b); and \$30 to the Pennsylvania Interest on Lawyers Trust

Accounts Board, *see* Pa.R.P.C. 1.15(u). The grant of a waiver under this subdivision (b) shall include waiver of the additional annual fees.

(c) *Annual Registration Form.* On or before July 1 of each year, all attorneys required by paragraph (a)(1) of this rule to register shall electronically file with the Attorney Registration Office a registration form. Upon an attorney's written request and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and provide a paper registration form to the attorney for filing.

(1) The attorney shall provide the following information on the form:

(i) The attorney's current license status in this Commonwealth and all other state, federal, and foreign courts and jurisdictions in which the attorney is or has ever been licensed to practice law.

(ii) The attorney's contact information, which shall specify information accessible to the public. Upon an attorney's written request and for good cause shown, the contact information will not be accessible to the public.

(iii) The financial accounts and information identified in Enforcement Rule 221(q).

(iv) A statement that:

(A) the attorney is familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of clients and others and the maintenance of IOLTA accounts;

(B) the attorney's Trust Accounts comply with Enforcement Rule 221(h) regarding the mandatory reporting of overdrafts on fiduciary accounts; and

(C) the attorney has reported all of the financial accounts and information identified in Enforcement Rule 221(q).

(v) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

(vi) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts set forth in Rule of Professional Conduct 1.4(c); a covered attorney shall identify the insurance carrier.

(vii) Such other information as the Board may from time to time direct.

(2) Submission of the annual registration form through electronic means signifies the attorney's intent to sign the form. By submitting the form electronically, the attorney certifies that the electronic filing is true and correct.

(3) Every attorney who files the form shall notify the Attorney Registration Office in writing of any change in the information required under paragraphs (c)(1)(i), (ii), and (vi) (relating to license status in other jurisdictions, contact information, and professional liability insurance) within 30 days of such change.

(i) Changes to the information required by paragraph (c)(1)(iii) (relating to financial account information) that occurs after the filing of the registration form need only be reported on the next annual registration form.

(ii) Failure to timely register and file the next annual registration form shall not excuse this subdivision's requirement of reporting changes in financial account information on an annual basis on or before July 1, and failure to make such a report shall constitute a violation of this rule.

(iii) Attorneys must promptly ensure that IOLTA accounts are properly enrolled with the Pennsylvania IOLTA Board pursuant to the applicable IOLTA regulations.

(d) *Proof of Registration.* The Attorney Registration Office shall issue a license card or certificate to attorneys on active status and to attorneys holding limited licenses under paragraph (a)(1)(ii) as acknowledgement of an attorney's completion of registration and payment of the required annual assessment.

(e) *Incomplete Registration.* The annual registration requirement is not satisfied if the registration form is incomplete, if the payment is incomplete, or if payment of the annual assessment has been returned to the Board unpaid. Registration will be deemed complete upon receipt of the completed registration form, satisfactory payment of the annual assessment, and payment of any penalties or fees assessed under subdivision (f).

(f) *Late Payment Penalties; Collection Fee.*

(1) *Late payment penalties.*

(i) An attorney who fails to complete registration on or before July 16 shall be automatically assessed a late payment penalty that cannot be waived.

(ii) An attorney who fails to complete registration on or before August 1 shall be automatically assessed a second late payment penalty that cannot be waived.

(2) *Collection fee.* The Board shall charge a collection fee for any payment that has been returned to the Board unpaid.

(g) *Administrative Suspension.*

(1) *Failure to comply with the annual registration requirements.*

(i) After August 1, the Attorney Registration Office shall certify to the Supreme Court the name of every attorney who has failed to comply with the requirements of this rule.

(ii) The Supreme Court shall enter an order administratively suspending the named attorneys.

(2) *Failure to comply with the Pennsylvania Rules for Continuing Legal Education requirements.*

(i) As set forth in Pa.R.C.L.E. 111(b), the Pennsylvania Continuing Legal Education Board shall report to the Supreme Court the name of every attorney who has failed to comply with the Pennsylvania Rules for Continuing Legal Education.

(ii) The Supreme Court shall enter an order administratively suspending the named attorneys.

(3) *Failure to comply with Enforcement Rule 208(g) (relating to costs and fees).*

(i) As set forth in Enforcement Rule 208(g)(4), the Board shall certify to the Supreme Court the name of every attorney who has failed to pay taxed expenses and administrative fees in cases other than a suspension that is not stayed in its entirety or disbarment.

(ii) The Supreme Court shall enter an order administratively suspending the named attorneys.

(4) *Notice.* Upon entry of an order of administrative suspension, the Board shall send to the formerly admitted attorney by certified mail or by electronic means the order of administrative suspension and provide notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys).

(5) *Immediate and subsequent restrictions.* From the date of entry of the order of administrative suspension until the effective date of the order or such earlier date on which the attorney satisfies the deficiency that resulted in the order of administrative suspension, the attorney shall not accept any new cases or other client matters but may continue to represent existing clients on existing matters. On and after the effective date of the order, the formerly admitted attorney shall comply with all requirements of Enforcement Rule 217 pertaining to administratively suspended attorneys.

(h) *Administrative Change to Active Status.*

(1) *Administrative suspension three years or less.* The formerly admitted attorney shall submit to the Attorney Registration Office:

(i) a form available through the Attorney Registration Office;

(ii) a verified statement that complies with Enforcement Rule 217(e)(1) and also demonstrates compliance with Rule 217 during the term of administrative suspension; and

(iii) payment of any of the following as may be applicable:

(A) the active annual assessment for the year in which the request for active status is made;

(B) the assessment that was due for the year in which the attorney was administratively suspended;

(C) late payment penalties under subdivision (f);

(D) a collection fee under subdivision (f);

(E) payment of any outstanding costs and fees under Enforcement Rule 208(g); and

(F) an administrative fee.

If the order of administrative suspension was for the failure to comply under paragraph (g)(2) with the Pennsylvania Rules of Continuing Legal Education requirements, then administrative change to active status under this paragraph is contingent on the Attorney Registration Office confirming that the formerly admitted attorney has complied with the rules and regulations of the Continuing Legal Education Board and is eligible for reinstatement under these Enforcement Rules.

(2) *Inactive status three years or less.* The formerly admitted attorney shall submit to the Attorney Registration Office:

(i) a form available through the Attorney Registration Office;

(ii) payment of any of the following as may be applicable:

(A) the active annual assessment for the year in which the request for active status is made or the difference between the active annual assessment and the inactive annual assessment previously paid for that year;

(B) late payment penalties under subdivision (f); and

(C) a collection fee under subdivision (f).



(3) *Retired status three years or less.* The formerly admitted attorney shall submit to the Attorney Registration Office:

(i) a form available through the Attorney Registration Office; and

(ii) the active annual assessment for the year in which the request for active status is made.

(4) Upon determination by the Attorney Registration Office that the applicable requirements have been satisfied, the Attorney Registration Office shall process the requested status change.

(5) The procedures under paragraph (1), (2) and (3) do not apply to:

(i) a formerly admitted attorney who, on the date of the request for active status, has not been on active status at any time within the preceding three years;

(ii) a formerly admitted attorney who has sold his or her law practice by reason of disability and who has been transferred to inactive status pursuant to Enforcement Rule 301 or 219(i)(1), as required by Rule of Professional Conduct 1.17(f) (relating to the sale of a law practice by reason of disability);

(iii) a formerly admitted attorney who is subject to an outstanding order of disability inactive status, suspension, temporary suspension, or disbarment; or

(iv) a formerly admitted attorney who, on the date of the request for active status, has an outstanding obligation to the Lawyers Fund for Client Security.

(i) *Administrative Change to Inactive or Retired Status.*

(1) *Active status to inactive status.* An attorney on active status seeking to assume inactive status during a time outside the annual attorney registration period shall submit a request for inactive status form to the Attorney Registration Office.

*Note:* An attorney who is not: engaged in practice in Pennsylvania, handling Pennsylvania legal matters, or required by his or her practice elsewhere to maintain active licensure in the Commonwealth *may* request inactive status. An attorney who sells his or her practice by reason of disability *must* transfer to inactive status pursuant to this paragraph (i)(1) unless a transfer to disability inactive status pursuant to Enforcement Rule 301 occurs. *See* Pennsylvania Rule of Professional Conduct 1.17(f).

(2) *Active or inactive status to retired status.* An attorney on active or inactive status seeking to assume retired status during a time outside the annual attorney registration period shall submit a request for retired status form to the Attorney Registration Office.

(3) *Administrative suspension to inactive status.* A formerly admitted attorney seeking to resume inactive status after transfer to administrative suspension from inactive status shall submit to the Attorney Registration Office:

(i) a form available through the Attorney Registration Office;

(ii) a verified statement that complies with Enforcement Rule 217(e)(1) and also demonstrates continued compliance with Rule 217 during the term of administrative suspension; and

(iii) payment of any of the following as may be applicable:

(A) the inactive annual assessment for the year in which the request for inactive status is made;

(B) the inactive annual assessment that was due in the year in which the attorney was administratively suspended;

(C) late payment penalties under subdivision (f);

(D) a collection fee under subdivision (f);

(E) payment of any outstanding costs and fees under Enforcement Rule 208(g); and

(F) an administrative fee.

(4) *Administrative suspension to retired status.* A formerly admitted attorney seeking retired status after transfer to administrative suspension shall submit to the Attorney Registration Office:

(i) a form available through the Attorney Registration Office;

(ii) a verified statement that complies with Enforcement Rule 217(e)(1) and also demonstrates continued compliance with Rule 217 during the term of administrative suspension;

(iii) payment of any outstanding costs and fees under Enforcement Rule 208(g); and

(iv) an administrative fee.

A formerly admitted attorney retired under paragraph (i)(4) who seeks to resume active status where a petition for reinstatement is not required shall pay all outstanding arrears assessed and satisfy all deficiencies in connection with the transfer to administrative suspension.

(5) Upon determination by the Attorney Registration Office that the applicable requirements have been satisfied, the Attorney Registration Office shall process the requested status change.

(j) *Judge status.*

(1) An attorney who commences judicial service as a justice or judge on the following courts shall be assigned judge status by the Attorney Registration Office:

(i) Pennsylvania courts of record: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and

(ii) federal courts: Supreme, Court of Appeals, Bankruptcy, and District Court, including full-time and part-time magistrate judges not otherwise engaged in the practice of law.

(2) At the conclusion of judicial service, an attorney holding judge status shall:

(i) within 20 days, notify the Attorney Registration Office in writing of the conclusion of judicial service; and

(ii) within 60 days, elect either active status under paragraph (3) or retired status under paragraph (4).

(3) *Administrative change to active status within 60 days of conclusion of judicial service.* A former justice or judge on judge status who seeks to resume active status upon conclusion of judicial service shall, within 60 days, submit to the Attorney Registration Office:

(i) a form available through the Attorney Registration Office;

(ii) a notice in writing which shall set forth:

(A) any discipline imposed within six years before the date of the notice upon the justice or judge by the Court of Judicial Discipline; and

(B) any proceeding before the Judicial Conduct Board or the Court of Judicial Discipline settled within six years before the date of the notice on the condition that the justice or judge resign from judicial office or enter a rehabilitation program;

(iii) a waiver available through the Attorney Registration Office and signed by the former justice or judge of the confidentiality of the record in any proceeding disclosed in the notice provided under paragraph (ii), for the limited purpose of making the record available to the Board in any subsequent proceeding under these rules;

(iv) payment of the active annual assessment for the year in which the request for active status is made.

(4) *Administrative change to retired status within 60 days of conclusion of judicial service.* A former justice or judge on judge status who seeks to assume retired status upon conclusion of judicial service shall, within 60 days, submit to the Attorney Registration Office a form available through that office.

(5) Upon determination by the Attorney Registration Office that the application requirements of paragraph (3) or (4) have been satisfied, the Attorney Registration Office shall process the requested status change.

(6) A former justice or judge on judge status who fails to elect a new registration status within 60 days of concluding judicial service shall be placed on retired status by the Attorney Registration Office.

**Rule 221. Funds of clients and third persons. Mandatory overdraft notification.**

\* \* \* \* \*

(g) The records required to be maintained by Pa.R.P.C. 1.15 shall be readily accessible to the lawyer and available for production to the Pennsylvania Lawyers Fund for Client Security and the Office of Disciplinary Counsel in a timely manner upon request or demand by either agency made pursuant to these Enforcement Rules, the Rules of the Board, the Pennsylvania Lawyers Fund for Client Security Board Rules and Regulations, agency practice, or subpoena.

(1) Upon a request by Disciplinary Counsel under this subdivision (g), which request may take the form of a letter to the respondent-attorney briefly stating the basis for the request and identifying the type and scope of the records sought to be produced, a respondent-attorney must produce the records within ten business days after personal service of the letter on the respondent-attorney or after the delivery of a copy of the letter to an employee, agent or other responsible person at the office of the respondent-attorney as determined by the address furnished by the respondent-attorney in the last registration [ **statement** ] **form** filed by the respondent-attorney pursuant to Enforcement Rule [ **219(d)** ] **219(c)**, but if the latter method of service is unavailable, within ten business days after the date of mailing a copy of the letter to the last registered address or addresses set forth on the [ **statement** ] **form**.

\* \* \* \* \*

(q) An attorney required to file the registration form under Enforcement Rule 219(a), with the exception of a person holding a Limited In-House Corporate Counsel License under Pennsylvania Bar Admission Rule 302 or a foreign legal consultant license under Pennsylvania Bar Admission Rule 341, shall identify the financial accounts enumerated in paragraphs (1)—(3) during the period from May 1 of the previous year to the date of the filing

of the registration form. For each account, the attorney shall provide the name of the Financial Institution, as defined in Pa.R.P.C. 1.15(a)(4), or other bank or investment fund as allowed by Pa.R.P.C. 1.15(k) and (l), its location within or outside the Commonwealth, account number, type of account, and whether the account held funds subject to Pa.R.P.C. 1.15. The attorney shall identify:

(1) all accounts in which the attorney held funds of a client or a third person subject to Pa.R.P.C. 1.15;

Note: See paragraph (r)(1) of this rule for the definition of “funds of a client or a third person subject to Pa.R.P.C. 1.15” and paragraph (r)(2) for exclusions from the definition of “funds of a third person.”

Note: If an attorney employed by a law firm receives fiduciary funds from or on behalf of a client and deposits or causes the funds to be deposited into a law firm account, the attorney must report the account of deposit pursuant to this paragraph (1).

(2) every account not reported under paragraph (1) that held funds of a client or a third person (whether or not subject to Pa.R.P.C. 1.15) over which the attorney had sole or shared signature authority or authorization to transfer funds to or from the account; and

(3) every business operating account maintained or utilized by the attorney in the practice of law.

Note: The type of account shall be identified as an IOLTA Trust Account, see Pa.R.P.C. 1.15(a)(5); Non-IOLTA Trust Account (Interest for Clients), see Pa.R.P.C. 1.15(a)(7), (k), (l); IOLTA-exempt Trust Account (non-interest bearing), see Pa.R.P.C. 1.15(n); other authorized investments or accounts, see Pa.R.P.C. 1.15(k) and (l); or Business/Operating Account, see Pa.R.P.C. 1.15(j).

(r) For purposes of subdivision (q) of this rule, the phrase:

(1) “funds of a client or a third person subject to Pa.R.P.C. 1.15” means funds that belong to a client or third person and that an attorney receives:

(i) in connection with a client-attorney relationship;

(ii) as an escrow agent, settlement agent, representative payee, personal representative, guardian, conservator, receiver, trustee, agent under a durable power of attorney, or other similar fiduciary position;

(iii) as an agent, having been designated as such by a client or having been so selected as a result of a client-attorney relationship or the attorney’s status as such;

(iv) in connection with nonlegal services that are not distinct from legal services;

(v) in connection with nonlegal services that are distinct from legal services, and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-attorney relationship; or

(vi) as an owner, controlling party, employee, agent, or as one who is otherwise affiliated with an

**entity providing nonlegal services and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-attorney relationship;**

**(2) "funds of a third person" shall not include funds held in:**

**(i) an attorney's personal account held jointly; or**

**(ii) a custodial account for a minor or dependent relative unless the source of any account funds is other than the attorney and his or her spouse or spousal equivalent.**

### **Subchapter C. DISABILITY AND RELATED MATTERS**

**Rule 301. Proceedings where an attorney is declared to be incapacitated or severely mentally disabled.**

\* \* \* \* \*

(c) Where an attorney has been judicially declared incapacitated or involuntarily committed on the grounds of incapacity or severe mental disability, the Supreme Court, upon proper proof of the fact, shall enter an order transferring such attorney to **disability** inactive status effective immediately and for an indefinite period until the further order of the Court. A copy of such order shall be served upon such formerly admitted attorney, the guardian of such person and/or the director of the institution to which such person has been committed in such manner as the Court may direct. Where an attorney has been transferred to **disability** inactive status by an order in accordance with the provisions of this subdivision and, thereafter, in proceedings duly taken, the person is judicially declared to be competent, the Court upon application may dispense with further evidence that the disability has been removed and may direct reinstatement to active status upon such terms as are deemed proper and advisable.

(d) Whenever the Board shall petition the Court to determine whether an attorney is incapacitated from continuing the practice of law by reason of mental infirmity or illness or because of addiction to drugs or intoxicants, the Court may take or direct such action as it deems necessary or proper to determine whether the attorney is so incapacitated, including the examination of the attorney by such qualified medical experts as the Court shall designate. If, upon due consideration of the matter, the Court concludes that the attorney is incapacitated from continuing to practice law, it shall enter an order transferring the attorney to **disability** inactive status on the ground of such disability for an indefinite period and until the further order of the Court. If examination of a respondent-attorney by a qualified medical expert reveals that the respondent lacks the capacity to aid effectively in the preparation of a defense, the Court may order that any pending disciplinary proceeding against the respondent shall be held in abeyance except for the perpetuation of testimony and the preservation of documentary evidence. The order of abatement may provide for reexaminations of the respondent-attorney at specified intervals or upon motion by Disciplinary Counsel. The Court shall provide for such notice to the respondent-attorney of proceedings in the matter as it deems proper and advisable and may appoint an attorney to represent the respondent if the respondent is without adequate representation.

(e) If, during the course of a disciplinary proceeding, the respondent contends that the respondent is suffering

from a disability by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, which makes it impossible for the respondent to prepare an adequate defense, the respondent shall complete and file with the Court a certificate of admission of disability. The respondent shall serve a copy of the certificate on the Board and Disciplinary Counsel. The certificate shall:

(1) identify the precise nature of the disability and the specific or approximate date of the onset or initial diagnosis of the disabling condition;

(2) contain an explanation of the manner in which the disabling condition makes it impossible for the respondent to prepare an adequate defense;

(3) have appended thereto the opinion of at least one medical expert that the respondent is unable to prepare an adequate defense and a statement containing the basis for the medical expert's opinion; and

(4) contain a statement, signed by the respondent, that all averments of material fact contained in the certificate and attachments are true upon the respondent's knowledge or information and belief and made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

The respondent may attach to the certificate affidavits, medical records, additional medical expert reports, official records, or other documents in support of the existence of the disabling condition or the respondent's contention of lack of physical or mental capacity to prepare an adequate defense.

Upon receipt of the certificate, the Court thereupon shall enter an order immediately transferring the respondent to **disability** inactive status until a determination is made of the respondent's capacity to aid effectively in the preparation of a defense or to continue to practice law in a proceeding instituted in accordance with the provisions of subdivision (d) of this rule unless the Court finds that the certificate does not comply with the requirements of this subdivision, in which case the Court may deny the request for transfer to disability inactive status or enter any other appropriate order. Before or after the entry of the order transferring the respondent to **disability** inactive status under this subdivision, the Court may, upon application by Disciplinary Counsel and for good cause shown, take or direct such action as the Court deems necessary or proper to a determination of whether it is impossible for the respondent to prepare an adequate defense, including a direction for an examination of the respondent by such qualified medical experts as the Court shall designate. In its discretion, the Court may direct that the expense of such an examination shall be paid by the respondent.

The order transferring the attorney to disability inactive status under this subdivision shall be a matter of public record. The certificate of admission of disability and attachments to the certificate shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement or disciplinary proceeding except:

(i) upon order of the Supreme Court;

(ii) pursuant to an express written waiver by the attorney; or

(iii) upon a request by the Pennsylvania Lawyers Fund for Client Security Board pursuant to Enforcement Rule 521(a) (relating to cooperation with Disciplinary Board).

If the Court shall determine at any time that the respondent is able to aid effectively in the preparation of



a defense or is not incapacitated from practicing law, it shall take such action as it deems proper and advisable including a direction for the resumption of the disciplinary proceeding against the respondent.

(f) The Board shall cause a notice of transfer to **disability** inactive status to be published in the legal journal and a newspaper of general circulation in the county in which the disabled attorney practiced.

(g) The Board shall promptly transmit a certified copy of the order of transfer to **disability** inactive status to the president judge of the court of common pleas of the judicial district in which the disabled attorney practiced and shall request such action under the provisions of Enforcement Rule 321 (relating to appointment of conservator to protect interests of clients of absent attorney) as may be indicated in order to protect the interests of the disabled attorney and the clients of the disabled attorney.

(h) Except as provided in subdivision (c), a disabled attorney may not resume active status until reinstated by order of the Court upon petition for reinstatement pursuant to Rule 218 (relating to reinstatement **proceedings**). A disabled attorney shall be entitled to apply for reinstatement to active status once a year or at such shorter intervals as the Court may direct in the order transferring the respondent to **disability** inactive status or any modification thereof. Such application shall be granted by the Court upon a showing by clear and convincing evidence that the formerly admitted attorney's disability has been removed and such person is fit to resume the practice of law. Upon such application, the Court may take or direct such action as it deems necessary or proper to a determination of whether the formerly admitted attorney's disability has been removed including a direction for an examination of the formerly admitted attorney by such qualified medical experts as the Court shall designate. In its discretion, the Court may direct that the expense of such an examination shall be paid by the formerly admitted attorney.

(i) In a proceeding seeking a transfer to **disability** inactive status under this rule, the burden of proof shall rest with the Board. In a proceeding seeking an order of reinstatement to active status under this rule, the burden of proof shall rest with the respondent-attorney.

(j) The filing of an application for reinstatement to active status by a formerly admitted attorney transferred to **disability** inactive status [ **because of disability** ] shall be deemed to constitute a waiver of any doctor-patient privilege with respect to any treatment of the formerly admitted attorney during the period of disability. The formerly admitted attorney shall be required to disclose the name of every psychiatrist, psychologist, physician and hospital or other institution by whom or in which the formerly admitted attorney has been examined or treated since transfer to **disability** inactive status and shall furnish to the Court written consent to each to divulge such information and records as requested by court appointed medical experts.

(k) As used in this rule, the term "disabled attorney" means an attorney transferred to **disability** inactive status under this rule.

\* \* \* \* \*

**CONSERVATORS FOR INTERESTS OF CLIENTS**

**Rule 321. Appointment of conservator to protect interests of clients of absent attorney.**

(a) Upon application of Disciplinary Counsel or any other interested person with the written concurrence of

Disciplinary Counsel, the president judge of a court of common pleas shall have the power to appoint one or more eligible persons to act as conservators of the affairs of an attorney or formerly admitted attorney if:

(1) the attorney maintains or has maintained an office for the practice of law within the judicial district; and

(2) any of the following applies:

(i) the attorney is made the subject of an order under Enforcement Rule 208(f) (relating to emergency interim suspension orders and related matters); or

(ii) the president judge of the court of common pleas pursuant to Enforcement Rule 217(g) (relating to formerly admitted attorneys) by order directs Disciplinary Counsel to file an application under this rule; or

(iii) the attorney abandons his or her practice, disappears, dies or is transferred to **disability** inactive status [ **because of incapacity or disability** ]; and

(3) no partner or other responsible successor to the practice of the attorney is known to exist.

\* \* \* \* \*

**Subchapter D. MISCELLANEOUS PROVISIONS**

**Rule 401. Expenses.**

The salaries of the Disciplinary Board employees, their expenses, administrative costs, expenses of the members of the Board and of hearing committees, and expenses and compensation, if any, of special masters shall be paid by the Board out of the funds collected under the provisions of Enforcement Rule 219 (relating to annual registration [ **of attorneys** ] **and assessment**) and Enforcement Rule 208 (relating to costs **and fees**). The Board shall annually obtain an independent audit by a certified public accountant of the funds entrusted to it and their disposition and shall file a copy of such audit with the Court.

**Rule 402. Access to Disciplinary Information and Confidentiality.**

\* \* \* \* \*

(c) Until the proceedings are open under subdivision (a) or (b), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential unless:

(1) the respondent-attorney requests that the matter be public, or waives confidentiality for a particular purpose specified in writing;

(2) the investigation is predicated upon a conviction of the respondent-attorney for a crime or reciprocal discipline;

(3) an order of temporary suspension from the practice of law is entered by the Court pursuant to Enforcement Rule 208(f) (relating to emergency temporary suspension orders and related relief) or Enforcement Rule 214(d) (relating to temporary suspension based on a criminal proceeding), in which case the proceedings and filings related to the petition, the order, and any petition to dissolve, amend or modify shall be public;

(4) in matters involving alleged disability, the Supreme Court enters its order transferring the respondent-attorney to **disability** inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated); or

(5) there is a need to notify another person or organization, including the Lawyers' Fund for Client Security, in order to protect the public, the administration of justice, or the legal profession.

\* \* \* \* \*

(i) The Board shall transmit notice of all public discipline imposed by the Supreme Court, transfers to or from **disability** inactive status [ **for disability** ], and reinstatements to the National Lawyer Regulatory Data Bank maintained by the American Bar Association.

\* \* \* \* \*

**Rule 403. Emeritus Status.**

\* \* \* \* \*

(g) *Renewal of Emeritus Status.* An emeritus attorney who is registered to provide services under this rule may renew the status on an annual basis.

(1) On or before January 1 of each year, the Attorney Registration Office shall transmit to all emeritus attorneys a notice to register by January 31.

(2) On or before January 31 of each year, emeritus attorneys who seek to renew the status shall pay an annual [ **fee** ] **assessment** of \$35.00 and shall file with the Attorney Registration Office a form prescribed by the Office which shall include the following:

(i) The name, attorney identification number, telephone number, current email and residence address of the attorney, the latter of which shall be an actual street address, a rural route box number, or a post office box number. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed;

(ii) A list of all courts (except courts of this Commonwealth) and jurisdictions in which the attorney has been licensed to practice law, with the current status thereof;

(iii) Prior disciplinary record in other jurisdictions;

(iv) Verification that the attorney is authorized solely to provide pro bono services to eligible legal aid organizations;

(v) Verification that the attorney is not permitted to handle client funds;

(vi) Verification that the attorney will neither ask for nor receive compensation of any kind for the legal services authorized under this rule;

(3) Failure to file the annual [ **fee** ] **registration** form and pay the annual [ **fee** ] **assessment** by January 31 shall result in the transfer to retired status.

(h) An emeritus attorney seeking to resume active status should refer to the procedures **under [ provided for in ]** Enforcement Rule 218(d) [ **and (h) ] or 219(h)(3), as applicable.**

\* \* \* \* \*

**Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY  
GENERAL PROVISIONS**

**Rule 501. Definitions.**

The following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meaning given to them in this section:

\* \* \* \* \*

*"Claimant."* A person who [ **makes application** ] **applies** to the Board for a disbursement from the Fund.

\* \* \* \* \*

***"Supreme Court."* Supreme Court of Pennsylvania.**

**Rule 502. Pennsylvania Lawyers Fund for Client Security.**

\* \* \* \* \*

(b) *Additional [ fee ] assessment.* Every attorney who is required to pay an active annual [ **fee** ] **assessment** under Rule 219 (relating to annual registration [ **of attorneys** ] **and assessment**) shall pay an additional annual [ **fee** ] **assessment** of \$50.00 for use by the Fund. Such additional [ **fee** ] **assessment** shall be added to, and collected with and in the same manner as, the basic annual [ **fee** ] **assessment**. All amounts received pursuant to this subdivision shall be credited to the Fund.

\* \* \* \* \*

**Rule 503. Pennsylvania Lawyers Fund for Client Security Board.**

\* \* \* \* \*

(d) *Powers.* The Board shall have the power and duty:

(1) To appoint hearing committees. Each committee shall consist of **at least** three members who are members of the bar of the Supreme Court or who are current members of the Board.

\* \* \* \* \*

**DISHONEST CONDUCT OF ATTORNEY**

**Rule 512. Covered Attorney.**

This subchapter covers conduct of a member of the bar of the Supreme Court, including attorneys admitted pro hac vice and formerly admitted attorneys whose clients reasonably believed the former attorney to be licensed to practice when the Dishonest Conduct occurred, an active foreign legal consultant, an active military attorney, an active attorney who is the spouse of an active-duty service member of the United States Uniformed Services, or a person holding an active Limited In-House Corporate Counsel License, which conduct forms the basis of the application to the Board. The conduct complained of need not have taken place in this Commonwealth for application to the Board to be considered by the Board and an award granted, except that an award shall not be granted with respect to conduct outside of this Commonwealth of a foreign legal consultant, military attorney, an attorney who is the spouse of an active-duty service member of the United States Uniformed Services, or person holding a Limited In-House Corporate Counsel License unless the conduct **is** related to the provision of legal services to a resident of this Commonwealth.

**Rule 514. Reimbursable Losses.**

\* \* \* \* \*

(b) *Maximum recovery.* The maximum amount which may be disbursed from the Fund to any one Claimant with respect to the Dishonest Conduct of any one Covered Attorney shall be [ **\$100,000** ] **\$150,000**. The maximum amount which may be disbursed from the Fund as a result of any one Covered Attorney shall be \$1,000,000. The Board may request the Supreme Court of Pennsylvania to exceed the \$1,000,000 maximum when the Board determines, in the exercise of its discretion, that exceeding the maximum is necessary to adequately compensate

all victims of the Dishonest Conduct of the Covered Attorney and exceeding the maximum will not unduly burden the Fund.

\* \* \* \* \*

**PAYMENT OF CLAIMS**

**Rule 521. Investigation and Payment of Claims.**

\* \* \* \* \*

(b) *Hearing Committees.* The Board may utilize a hearing committee to conduct any hearings under this subchapter for the purpose of resolving factual issues. Imposition of discipline under Rule 204 (relating to types of discipline) or otherwise shall not be a prerequisite for favorable action by the Board with respect to a claim **[ against ] filed with** the Fund, but the Covered Attorney involved shall be given notice of and an opportunity to contest any claim made with respect to his or her alleged Dishonest Conduct. Notice mailed to the Covered Attorney at the address of record with Attorney Registration per Rule of Disciplinary Enforcement 219 (relating to annual registration **[ of attorneys ] and assessment**) shall satisfy this notice requirement.

\* \* \* \* \*

**REINSTATEMENT**

**Rule 531. Restitution a Condition for Reinstatement.**

The Board shall file with the Supreme Court a list containing the names of all formerly admitted attorneys with respect to the Dishonest Conduct of which the Board has made unrecovered disbursements from the Fund. No **[ person ] Covered Attorney** will be reinstated by the Supreme Court under Rule 218 (relating to reinstatement **proceedings**), Rule 219 (relating to **[ annual registration of attorneys ] administrative changes in status**), Rule 301(h) (relating to proceedings where an attorney is declared to be incapacitated or severely mentally disabled), Pennsylvania Rules for Continuing Legal Education[ , ] Rule 111(b) (relating to noncompliance with continuing legal education rules) or who has been suspended from the practice of law for any period of time, including, but not limited to suspensions under Rule 208(f) (relating to emergency temporary suspension) and **[ 219(f) ] 219(g)** (relating to administrative suspension) until the **Covered Attorney has paid in full a penalty to the Fund assessed in the amount of [ has been repaid in full, plus 10% per annum interest, for ]** all disbursements made from the Fund with respect to the Dishonest Conduct of such **[ person ] Covered Attorney, plus 10% per annum interest.**

**BANKRUPTCY FILING**

**Rule 532. Duty to Report Bankruptcy Filing.**

If a Covered Attorney becomes a debtor in bankruptcy after having received notice either of a claim pending with the Fund against the Covered Attorney or of any disbursement by the Fund with respect to a claim against the Covered Attorney and the Covered Attorney has not **[ repaid ] paid the full penalty to the Fund [ in full plus ] including** interest in accordance with Enforcement Rule 531, the Covered Attorney shall notify the Executive Director of the Fund in writing of the case caption and docket number within 20 days after the Covered Attorney files for bankruptcy protection. If the Covered Attorney receives notice of a pending claim or disbursement after the filing of the bankruptcy petition and before the conclusion of the bankruptcy case, the

Covered Attorney shall give the written notice required by this rule within ten days after receipt of the notice of the pending claim or disbursement.

[Pa.B. Doc. No. 23-1028. Filed for public inspection August 4, 2023, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM  
GENERAL PROVISIONS**

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

**Amendment of Rule 102 of the Pennsylvania Rules of Disciplinary Enforcement; No. 236 Disciplinary Rules Docket**

**Order**

*Per Curiam*

And Now, this 25th day of July, 2023, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication in the interests of justice and efficient administration pursuant to Pa.R.J.A. No. 103(a)(3),

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 102 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 immediately.

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 A. PRELIMINARY PROVISIONS**

**Rule 102. Definitions.**

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

\* \* \* \* \*

*“Experienced hearing committee member.”*—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has served on at least one hearing committee that has conducted a hearing into formal charges of misconduct by a respondent-attorney **or a hearing on a petition for reinstatement from discipline by a petitioner-attorney.**

\* \* \* \* \*



“Senior hearing committee member.”—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has served either (i) as a member of the Board, or (ii) on at least two hearing committees that have conducted hearings into formal charges of misconduct by respondent-attorneys or hearings on petitions for reinstatement from discipline by petitioner-attorneys.

\* \* \* \* \*

[Pa.B. Doc. No. 23-1029. Filed for public inspection August 4, 2023, 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 July 2023, it is *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:

1. Mark I. Bernstein, Retired Judge  
Ten Penn Center  
1801 Market Street  
Suite 1140  
Philadelphia, PA 19103  
(267) 324-6773
2. 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
3. John Herron, Retired Judge  
812 Lombard Street, # 26  
Philadelphia, PA 19147  
(215) 380-3846
4. Richard B. Klein, Retired Judge  
The Dispute Resolution Institute  
Two Logan Square—6th Floor  
18th & Arch Streets  
Philadelphia, PA 19103  
(215) 656-4374
5. William Manfredi, Retired Judge  
1528 Walnut Street—4th Floor  
Philadelphia, PA 19102  
(215) 817-9825
6. 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
7. Sandra Mazer Moss, Retired Judge  
The Dispute Resolution Institute  
Two Logan Square—6th Floor  
18th and Arch Streets  
Philadelphia, PA 19103  
(215) 656-4374

8. Russell Nigro, Retired Justice  
210 W. Washington Square  
Philadelphia, PA 19106  
(215) 287-5866
9. Lisa M. Rau, Retired Judge  
Resonate Mediation & Arbitration  
30 S. 15th Street—15th Floor  
Philadelphia, PA 19102  
(215) 816-3100
10. 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

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. 23-1030. Filed for public inspection August 4, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DELAWARE COUNTY

#### Criminal Section Bail Conditions; CP-23-MD-0001485-2022

##### President Judge Administrative Order

##### Bail Conditions

And Now, this 24th day of July, 2023, it is hereby *Ordered & Decried* that the existing Rule 526(d)(5) is amended and shall be entirely replaced by New Rule 526(d)(5) in accordance with the following language effective 20 days after publication.

5. The following fee schedule shall be implemented:

a) The administrative fee for percentage or cash bail shall be \$25.00 plus 3% of the first \$1,000.00 of bail posted and 2% of any amount above \$1,000.00 of bail posted, not to exceed the amount of the bail.

b) An administrative fee of \$75 shall be charged whenever a corporate surety posts a bail piece.

c) If the defendant appears and surrenders to the court within 48 hours after a breach of the condition of bail and issuance of a bench warrant, an administrative fee of \$50 may be imposed as a bail reinstatement fee.

d) If the defendant appears after 48 hours of a bench warrant, a \$100 administrative fee may be imposed as a bail reinstatement fee.

e) The Court of Common Pleas may waive such fee if the defendant can satisfy the court that his appearance or surrender was impossible or with good cause.

*By the Court*

LINDA A. CARTISANO,  
*President Judge*

[Pa.B. Doc. No. 23-1031. Filed for public inspection August 4, 2023, 9:00 a.m.]

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