

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CHS. 1 AND 9 ]

#### Proposed Amendment of Pa.R.A.P. 102 and 904

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 102 and 904 relating to appeals from the Orphans' Court for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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

Karla M. Shultz, Counsel  
Appellate Court Procedural Rules Committee  
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Pennsylvania Judicial Center  
PO Box 62635  
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All communications in reference to the proposal should be received by October 6, 2023. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court  
Procedural Rules Committee*

PETER J. GARDNER,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### IN GENERAL

#### Rule 102. Definitions.

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

\* \* \* \* \*

*Orphan's Court Appeal.* Any appeal from an order of the Orphans' Court Division as set forth in Pa.R.A.P. 342.

\* \* \* \* \*

### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 904. Content of the Notice of Appeal.

(a) *Form.* Except as otherwise prescribed by this rule, the notice of appeal shall be in substantially the following form:

\* \* \* \* \*

(b) *Caption.*

(1) *General Rule.* The parties shall be stated in the caption as they appeared on the record of the trial court at the time the appeal was taken.

(2) *Appeal of Custody Action.* In an appeal of a custody action where the trial court has used the full name of the parties in the caption, upon application of a party and for cause shown, an appellate court may exercise its discretion to use the initials of the parties in the caption based upon the sensitive nature of the facts included in the case record and the best interest of the child.

(c) *Request for Transcript.* The request for transcript contemplated by Pa.R.A.P. 1911 or a statement signed by counsel that either there is no verbatim record of the proceedings or the complete transcript has been lodged of record shall accompany the notice of appeal, but the absence of or defect in the request for transcript shall not affect the validity of the appeal.

(d) *Docket Entry.* The notice of appeal shall include a statement that the order appealed from has been entered on the docket. A copy of the docket entry showing the entry of the order appealed from shall be attached to the notice of appeal.

(e) *Content in Criminal Cases.* [ **When** ] **If** the Commonwealth takes an appeal pursuant to Pa.R.A.P. 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

(f) *Content in Children's Fast Track Appeals.* In a children's fast track appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is a children's fast track appeal.

**(g) Content in Orphans' Court Appeals. In an Orphans' Court appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is an Orphans' Court appeal.**

**(h) Completely Consolidated Civil Cases.** In an appeal of completely consolidated civil cases where only one notice of appeal is filed, a copy of the consolidation order shall be attached to the notice of appeal.

#### Comment:

The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal

cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. §§ 9101 *et seq.*

The notice of appeal must include a statement that the order appealed from has been entered on the docket. Because generally a separate notice of appeal must be filed on each docket on which an appealable order is entered so as to appeal from that order, [ *see* ] *see* Pa.R.A.P. 902(a), the appellant is required to attach to the notice of appeal a copy of the docket entry showing the entry of the order appealed from on that docket. The appellant does not need to certify that the order has been reduced to judgment. This omission does not eliminate the requirement of reducing an order to judgment before there is a final appealable order where required by applicable practice or case law.

Subdivision (b)(2) provides the authority for an appellate court to initialize captions in custody appeals. *See also* [ **Pa.R.C.P.** ] **Pa.R.Civ.P.** 1915.10.

With respect to subdivision (e), in *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985), the Supreme Court held that the Commonwealth's certification that an order will terminate or substantially handicap the prosecution is not subject to review as a prerequisite to the Superior Court's review of the merits of the appeal. The principle in *Dugger* has been incorporated in and superseded by Pa.R.A.P. 311(d). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006). Thus, the need for a detailed analysis of the effect of the order, formerly necessarily a part of the Commonwealth's appellate brief, has been eliminated.

A party filing a cross-appeal should identify it as a cross-appeal in the notice of appeal to assure that the prothonotary will process the cross-appeal with the initial appeal. [ *See also* ] *See also* Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in cross-appeals and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

**See Pa.R.A.P. 342 for the orders that may be appealed as of right in Orphans' Court matters.**

A party appealing completely consolidated civil cases using one notice of appeal must attach a copy of the consolidation order to the notice of appeal to assure the applicability of Pa.R.A.P. 902.

**SUPREME COURT OF PENNSYLVANIA  
APPELLATE COURT PROCEDURAL RULES  
COMMITTEE**

**PUBLICATION REPORT**

**Proposed Amendment of Pa.R.A.P. 102 and 904**

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rules of Appellate Procedure 102 and 904 relating to appeals from the Orphans' Court. This proposal is the result of the Committee's evaluation of a request to amend Pa.R.A.P. 108 (date of entry of orders) to recognize the operation of relatively new Pa.R.O.C.P. 4.6 in establishing the date of entry of an adjudication or court order on the Orphans' Court docket.

Pa.R.A.P. 108 operates to establish the date of entry of an order for purposes of computing any time period involving the date of an order under the Pennsylvania Rules of Appellate Procedure. Pa.R.A.P. 108(b) provides that the date of entry of an order for civil cases is the date on which the clerk of the trial court makes a

notation on the docket that notice of the entry of the order was given as required by Pa.R.Civ.P. 236. Additional provisions address emergency appeals and criminal orders. However, Pa.R.A.P. 108 is silent on the date of entry of orders in the Orphans' Court.

The reason for that silence is that, when the relevant provisions of Pa.R.A.P. 108 were drafted, the Pennsylvania Rules of Orphans' Court Procedure were also silent on the matter of notice of an adjudication or court order. Notably, however, former Pa.R.O.C.P. 3.1 required conformity with the Pennsylvania Rules of Civil Procedure when the Orphans' Court Rules did not provide guidance on a particular matter. Therefore, appellants in Orphans' Court cases were essentially guided by Pa.R.Civ.P. 236, which aligned with Pa.R.A.P. 108(b).

The Rules of Orphans' Court Procedure were largely rewritten and adopted, effective September 1, 2016. The rewrite included new rule Pa.R.O.C.P. 4.6, which established a notice procedure analogous to and derived from Pa.R.Civ.P. 236. The instant proposal is intended to acknowledge that rule albeit, as explained below, the Committee determined that amendment of Pa.R.A.P. 108 was not the most effective vehicle.

The Committee recognized that the request to amend Pa.R.A.P. 108 also implicated a need to effectively identify Orphans' Court appeals for purposes of docketing statements. To effectuate Pa.R.A.P. 108 generally, when a notice of appeal is filed with the Superior Court, the prothonotary of that court sends:

a docketing statement form [to the appellant] which shall be completed and returned within ten (10) days in order that the Court shall be able to more efficiently and expeditiously administer the scheduling of argument and submission of cases on appeal. Failure to file a docketing statement may result in dismissal of the appeal.

*Pa.R.A.P. 3517.* At present, there are three docketing statement forms: (a) Civil Docketing Statement; (b) Criminal Docketing Statement; and (c) Family and Domestic Relations Docketing Statement. The Civil Docketing Statement requires entry of the date of the Pa.R.Civ.P. 236 notice, although the Family and Domestic Relations Docketing Statement does not. In the absence of an Orphans' Court specific form, the Civil Docketing Statement presumably has been used with Orphans' Court appeals. There is a concern that omission of the Pa.R.O.C.P. 4.6 notice date from the Docketing Statement may lead an appellant to complete the form incorrectly, resulting in possible delays or confusion.

As mentioned above, the Committee initially considered a proposed amendment of Pa.R.A.P. 108 to add a new subdivision pertaining to orders subject to the Rules of Orphans' Court Procedure and specifying that the date of entry of such an order is the date on which the clerk of the Orphans' Court makes the notation in the docket that written notice of the entry of the order has been given as required by Pa.R.O.C.P. 4.6. This approach, however, was thought to be insufficient in two respects. First, it was unlikely that counsel or a self-represented party would look to Pa.R.A.P. 108 for the requirement to file a docketing statement. Second, Orphans' Court appeals are not routinely identified as such when the notice of appeal is filed. As a result, filing office staff would not be aware which docketing statement should be sent to counsel or a self-represented party.

The Committee therefore devised a different approach to address both concerns, which is reflected in the present proposal. Pa.R.A.P. 342 sets forth the orders of the Orphans' Court that are appealable as of right. The proposal would amend Pa.R.A.P. 102 (definitions) to add a definition of "Orphans' Court Appeal" with a reference to Pa.R.A.P. 342 so that counsel or a self-represented party filing such an appeal is advised of the Rule of Appellate Procedure applicable to that appeal. In addition, Pa.R.A.P. 904 would be amended to add a new subdivision requiring the notice of appeal to include a statement advising the appellate court that the appeal is an Orphans' Court appeal. Identifying the appeal as an Orphans' Court matter should assist filing office staff in issuing an Orphans' Court docketing statement in a timely fashion. Finally, a statement cross-referencing Pa.R.A.P. 342 regarding orders that may be appealed as of right in Orphans' Court matters would be added to the comment to Pa.R.A.P. 904.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 23-1068. Filed for public inspection August 11, 2023, 9:00 a.m.]

## Title 225—RULES OF EVIDENCE

### [ 225 PA. CODE ART. VI ]

#### Proposed Amendment of Pa.R.E. 601

The Committee on Rules of Evidence is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Evidence 601 concerning the competency of witnesses for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

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

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

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All communications in reference to the proposal should be received by September 15, 2023. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be repro-

duced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Committee on  
Rules of Evidence*

SARA E. JACOBSON,  
*Chair*

### Annex A

## TITLE 225. RULES OF EVIDENCE

### ARTICLE VI. WITNESSES

#### Rule 601. Competency.

(a) *General Rule.* Every person is competent to be a witness except as otherwise provided by statute or in these rules.

(b) [ *Disqualification for Specific Defects* ] **Grounds for Incompetency.** A person [ **is** ] **may be incompetent, in whole or in part,** to testify if the court finds [ **that because of a mental condition or immaturity** ] the person:

- (1) is, or was, at any relevant time, incapable of perceiving accurately;
- (2) is unable to express himself or herself so as to be understood either directly or through an interpreter;
- (3) has an impaired memory; or
- (4) does not sufficiently understand the duty to tell the truth.

Comment:

[ **Pa.R.E. 601(a) differs from F.R.E. 601(a). It is consistent, instead, with Pennsylvania statutory law. 42 Pa.C.S. §§ 5911 and 5921 provide that all witnesses are competent except as otherwise provided. Pennsylvania statutory law provides several instances in which witnesses are incompetent. See, e.g., 42 Pa.C.S. § 5922 (persons convicted in a Pennsylvania court of perjury incompetent in civil cases); 42 Pa.C.S. § 5924 (spouses incompetent to testify against each other in civil cases with certain exceptions set out in 42 Pa.C.S. §§ 5925, 5926, and 5927); 42 Pa.C.S. §§ 5930—5933 and 20 Pa.C.S. § 2209 (“Dead Man’s statutes”).** ]

**Pa.R.E. 601(a) differs from F.R.E. 601 insofar as a person may also be incompetent as provided by statute. Pennsylvania statutory law deems all persons to be fully competent witnesses, except as otherwise provided by statute. See 42 Pa.C.S. §§ 5911, 5921; see also, e.g., 42 Pa.C.S. § 5922 (persons convicted in a Pennsylvania court of perjury incompetent in civil cases); 42 Pa.C.S. § 5924 (spouses incompetent to testify against each other in civil cases with certain exceptions set out in 42 Pa.C.S. §§ 5925, 5926, and 5927); 42 Pa.C.S. §§ 5930—5933; and 20 Pa.C.S. § 2209 (“Dead Man’s statutes”). This rule provides grounds for incompetency in addition to those found in statute.**

Pa.R.E. 601(b) has no counterpart in the Federal Rules. It is consistent with Pennsylvania law concerning the [ **factors for determining competency of a person to testify, including persons with a mental defect and children of tender years. See *Commonwealth v. Baker*, 466 Pa. 479, 353 A.2d 454 (1976) (standards**

for determining competency generally); *Commonwealth v. Goldblum*, 498 Pa. 455, 447 A.2d 234 (1982) (mental capacity); *Rosche v. McCoy*, 397 Pa. 615, 156 A.2d 307 (1959) (immaturity) ] grounds for incompetency. See *Commonwealth v. Goldblum*, 447 A.2d 234, 239 (Pa. 1982).

Pennsylvania case law [ recognizes two other grounds for incompetency, ] has recognized that a child's "tainted" [ testimony, and ] recollection or a hypnotically refreshed [ testimony ] recollection may impair a witness's memory to the point of rendering the witness incompetent. [ In *Commonwealth v. Delbridge*, 578 Pa. 641, 855 A.2d 27 (2003), the Supreme Court reiterated concern for the susceptibility of children to suggestion and fantasy and held that a child witness can be rendered incompetent to testify where unduly suggestive or coercive interview techniques corrupt or "taint" the child's memory and ability to testify truthfully about that memory. See also *Commonwealth v. Judd*, 897 A.2d 1224 (Pa. Super. 2006).

In *Commonwealth v. Nazarovitch*, 496 Pa. 97, 436 A.2d 170 (1981), the Supreme Court rejected hypnotically refreshed testimony, where the witness had no prior independent recollection. Applying the test of *Frye v. United States*, 293 F.1013 (D.C. Cir. 1923) for scientific testimony, the Court was not convinced that the process of hypnosis as a means of restoring forgotten or repressed memory had gained sufficient acceptance in its field. *Commonwealth v. Nazarovitch*, supra; see also *Commonwealth v. Romanelli*, 522 Pa. 222, 560 A.2d 1384 (1989) (when witness has been hypnotized, he or she may testify concerning matters recollected prior to hypnosis, but not about matters recalled only during or after hypnosis); *Commonwealth v. Smoyer*, 505 Pa. 83, 476 A.2d 1304 (1984) (same). Pa.R.E 601(b) is not intended to change these results. ] See *Commonwealth v. Delbridge*, 855 A.2d 27 (Pa. 2003) (child's tainted recollection); *Commonwealth v. Nazarovitch*, 436 A.2d 170 (Pa. 1981) (hypnotically refreshed recollection); *Commonwealth v. Romanelli*, 560 A.2d 1384 (Pa. 1989) (when witness has been hypnotized, he or she may testify concerning matters recollected prior to hypnosis, but not about matters recalled only during or after hypnosis). For the constitutional implications when a defendant in a criminal case, whose memory has been hypnotically refreshed, seeks to testify, see *Rock v. Arkansas*, 483 U.S. 44 (1987).

The application of the standards in Pa.R.E. 601(b) is a factual question to be resolved by the court as a preliminary question under Rule 104. The party challenging competency bears the burden of proving grounds of incompetency by clear and convincing evidence. [ *Commonwealth v. Delbridge*, [ 578 Pa. at 664, ] 855 A.2d at 40. The court may observe a witness or conduct a colloquy of the witness to determine whether there is a compelling need to order a competency evaluation. See *Commonwealth v. Thomas*, 215 A.3d 36, 43–45 (Pa. 2019). In *Commonwealth v. Washington*, [ 554 Pa. 559, ] 722 A.2d 643 (Pa. 1998), a case involving child witnesses, the Supreme Court announced a *per se* rule requiring trial courts to conduct competency hearings outside the presence of the jury. See also *Commonwealth v. Hutchinson*, 25 A.3d 277, 295 (Pa. 2011) (finding arguable merit that the trial court's *voir*

*dire* procedure violated the *per se* rule promulgated in *Washington*). Expert testimony has been used when competency under these [ standards has been ] grounds is an issue. See e.g., *Commonwealth v. Baker*, [ 466 Pa. 479, ] 353 A.2d 454, 457-458 (Pa. 1976); *Commonwealth v. Gaerttner*, [ 335 Pa. Super. 203, ] 484 A.2d 92, 98-99 (Pa. Super. 1984).

#### [ Official Note:

Adopted May 8, 1998, effective October 1, 1998; amended November 2, 2007, effective December 14, 2007; rescinded and replaced January 17, 2013, effective March 18, 2013.

#### Committee Explanatory Reports:

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013.) ]

### SUPREME COURT OF PENNSYLVANIA COMMITTEE ON RULES OF EVIDENCE

#### Publication Report

#### Proposed Amendment of Pa.R.E. 601

The Committee on Rules of Evidence has undertaken a review of Pennsylvania Rule of Evidence 601 concerning the competency of fact witnesses. While Pennsylvania's law of competency is based upon statute and case law, the Committee's review focused on grounds for incompetency established by case law and codified in the rule at subdivision (b). Several amendments to the rule text and commentary are proposed.

Within subdivision (b), the Committee proposes changing the title from "Disqualification for Specific Defect" to "Grounds for Incompetency." No substantive effect is intended; rather, the title will more accurately describe the remainder of the subdivision.

Next, the word "is" would be replaced with "may be" to clarify that the presence of any of the grounds in subdivisions (b)(1)—(b)(4) does not render a witness incompetent. The amendment recognizes that these grounds may also serve as bases for impeachment of a competent witness. See, e.g., *Commonwealth v. Rizzuto*, 777 A.2d 1069, 1082 (Pa. 2001) ("When a witness suffers a condition relevant to his or her ability to accurately observe and report events, the jury must be informed of that witness' disability in order to properly assess the weight and credibility of the testimony."), *abrogated on other grounds*, *Commonwealth v. Freeman*, 827 A.2d 385 (Pa. 2003). Competency relates to the "capacity of the witness to communicate, to observe an event and accurately recall that observation, and to understand the necessity to speak the truth. A competency hearing is not concerned with credibility. Credibility involves an assessment of whether or not what the witness says is true." *Commonwealth v. Delbridge*, 855 A.2d 27, 40 (Pa. 2003).

Additionally, the Committee proposes inserting "in whole or in part" to recognize that a witness may be incompetent to testify on some matters but not all matters. For example, a witness with dementia may have some recollection of distant memories but not of recent memories. Under that circumstance, the witness should be able to testify about the memories the witness can recall. Another example is a child with a tainted recollection—the child may not be competent to testify about the tainted recollection but could be competent to testify about other matters.

Finally, the Committee proposes to remove the phrase, “that because of mental condition or immaturity,” from subdivision (b). The phrase was thought to be too limited and unintentionally omitted a physical condition as a cause for incompetency. This change would eliminate causation as a factor so that the grounds for incompetency are based upon the witness’s ability.

The Comment to Pa.R.E. 601 is proposed to be extensively rewritten. The first paragraph is restated to highlight the difference between Pa.R.E. 601(a) and F.R.E. 601 concerning the sources of authority for exceptions to the general rule of witness competency. The revised paragraph also clarifies that Pa.R.E. 601 is an independent source of such authority. The second paragraph is intended to identify the common law underpinning the grounds for incompetency without a string of case citations. Given that the rule itself is a source of authority, its genealogy is less relevant to the application of the rule.

The third paragraph presently states that Pennsylvania case law recognizes two other grounds for incompetency based on tainted testimony and hypnotic recollection. The Committee believes both of those grounds are actually a subset of subdivision (b)(3) (impaired memory). The third paragraph of the Comment has been revised accordingly.

Additionally, rather than attempt to explain the case law cited within the third and fourth paragraphs of the Comment, the Committee proposes to remove those discussions and cite the cases and add parenthetical descriptions of the holdings. This approach allows the opinions to “speak for themselves.”

The fifth paragraph is proposed to be amended to recognize the use of judicial observation and witness *voir dire*/colloquy as means of determining whether a competency hearing and expert is necessary. See *Commonwealth v. Thomas*, 215 A.3d 36, 43—45 (Pa. 2019). The Committee also proposes modifying the discussion of competency hearings being conducted outside the presence of the jury.

The discussion of *Commonwealth v. Washington*, 722 A.2d 643 (Pa. 1998), as it relates to proceeding outside the presence of the jury, is also located in Pa.R.E. 104, cmt. at ¶ 6 concerning preliminary questions. In *Commonwealth v. Hutchinson*, 25 A.3d 277 (Pa. 2011), the trial court judge conducted a brief colloquy of a minor to determine whether the minor understood the duty to tell the truth. Thereafter, the prosecutor conducted *voir dire* to establish the minor’s competency as a witness. The prosecutor conducted *voir dire* of another minor witness to establish competency. Both the colloquy and *voir dire* were performed in the presence of the jury.

Through a PCRA, the defendant claimed that counsel was ineffective for not objecting to the competency colloquy and *voir dire* being conducted in the presence of the jury. On appeal, the Court concluded that the claim had arguable merit given the requirement of *Washington*. See *id.* at 295. Thus, it appears that a colloquy or *voir dire* for the purpose of determining competency must be conducted outside of the presence of the jury. However, the Court held that the defendant was not prejudiced because the judge did not make a formal ruling that the minors were competent. See *id.* Further, the jury was instructed that they were solely responsible for determining credibility. See *id.* at 295-296. Finally, the notes of testimony indicated that the minor witnesses were competent. See *id.* at 296—299.

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

[Pa.B. Doc. No. 23-1069. Filed for public inspection August 11, 2023, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 6 ]

### Proposed Amendment of Pa.R.Crim.P. 632

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 632 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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

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All communications in reference to the proposal should be received by Tuesday, September 12, 2023. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural  
Rules Committee

STEFANIE SALAVANTIS,  
Chair

### Annex A

## TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

### PART C(1). Impaneling Jury

#### Rule 632. Juror Information Questionnaire.

( [ A ]**a** ) Prior to *voir dire*:

(1) Each prospective juror shall complete and verify the standard, confidential juror information questionnaire required by [ **paragraph (H)** ] **subdivision (i)** of this rule, and any supplemental questionnaire provided by the court.

(2) The president judge shall designate the method for distributing and maintaining the juror information questionnaires.

(3) The trial judge and the attorneys shall receive copies of the completed questionnaires for use during *voir dire*, and the attorneys shall be given a reasonable opportunity to examine the questionnaires.

**[ B ]b** The information provided by the jurors on the questionnaires shall be confidential and limited to use for the purpose of jury selection **[ only ] and pursuant to subdivision (h)**. Except for disclosures made during *voir dire*, or unless the trial judge otherwise orders pursuant to **[ paragraph (F), this ] subdivision (f), non-aggregated, personally identifiable** information shall only be made available to the trial judge, the defendant **[ (s) ]** and the attorney **[ (s) ]** for the defendant **[ (s) ]**, and the attorney for the Commonwealth.

**[ C ]c** The original and any copies of the juror information questionnaires shall not constitute a public record.

**[ D ]d** Juror information questionnaires shall be used in conjunction with the examination of the prospective jurors conducted by the judge or counsel pursuant to Rule 631(E), **or for the purposes of subdivision (h)**.

**[ E ]e** If the court adjourns before *voir dire* is completed, the trial judge may order that the attorneys be permitted to retain their copies of the questionnaires during the adjournment. When copies of the questionnaires are permitted to be taken from the courtroom, the copies:

(1) shall continue to be subject to the confidentiality requirements of this rule, and to the disclosure requirements of **[ paragraph (B) ] subdivision (b)**; and

(2) shall not be duplicated, distributed, or published.

The trial judge may make such other order to protect the copies as is appropriate.

**[ F ]f** The original questionnaires of all impaneled jurors shall be retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge **or retained for the purposes of subdivision (h)**. Upon completion of *voir dire*, all copies of the questionnaires shall be returned to the trial judge and destroyed, unless otherwise ordered by the trial judge at the request of the defendant **[ (s) ]**, the attorney **[ (s) ]** for the defendant **[ (s) ]**, or the attorney for the Commonwealth, **or unless retained for the purposes of subdivision (h)**.

**[ G ]g** **Subject to subdivision (h)**, **[ The ] the** original and any copies of questionnaires of all prospective jurors not impaneled or not selected for any trial shall be destroyed upon completion of the jurors' service.

**(h) Nothing in this rule shall prevent judicial districts from individually electing to retain the information provided by prospective or impaneled jurors on their questionnaires for the purpose of assessing their district's juror demographics as it relates to the constitutional guarantee that juries be drawn from a representative cross-section of the community, provided that such information may only be retained or published by the districts in the aggregate and in a manner that does not contain or reveal any personally identifiable information of the prospective or impaneled jurors.**

**[ H ]i** The form of the juror information questionnaire shall be as follows:

**JUROR INFORMATION QUESTIONNAIRE  
CONFIDENTIAL; NOT PUBLIC RECORD**

NAME: LAST		FIRST	MIDDLE INITIAL	
CITY/TOWNSHIP		COMMUNITIES IN WHICH YOU RESIDED OVER THE PAST 10 YEARS:		
MARITAL STATUS: MARRIED <input type="checkbox"/>	SINGLE <input type="checkbox"/>	SEPARATED <input type="checkbox"/>	DIVORCED <input type="checkbox"/>	WIDOWED <input type="checkbox"/>
OCCUPATION		OCCUPATION(S) PAST 10 YEARS		
OCCUPATION OF SPOUSE/OTHER		PAST 10 YEARS OCCUPATION OF SPOUSE/OTHER		
NUMBER OF CHILDREN		<b>[ RACE:</b> <input type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> HISPANIC <input type="checkbox"/> OTHER ]		

<p><b>RACE (Circle all that apply)</b></p>	<p><b>American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.</b></p> <p><b>Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.</b></p> <p><b>Black or African American: A person having origins in any of the Black racial groups of Africa.</b></p> <p><b>Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.</b></p> <p><b>White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.</b></p>	
<p><b>ETHNICITY (Circle One)</b></p>	<p><b>Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.</b></p> <p><b>Not Hispanic or Latino.</b></p>	
<p><b>GENDER (Circle One)</b></p>	<p><b>Male</b></p> <p><b>Female</b></p> <p><b>Other _____</b></p>	
<p><b>RELIGION (Optional)</b></p>	<p>_____</p>	
<p><b>LEVEL OF EDUCATION YOURS</b></p>	<p><b>SPOUSE/OTHER</b></p>	<p><b>CHILDREN</b></p>

- |  | <b>YES</b>               | <b>NO</b>                |
|--|--------------------------|--------------------------|
| 1. Have you ever served as a juror before?<br>If so, were you ever on a hung jury?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you have any religious, moral, or ethical beliefs that would prevent you from sitting in judgment in a criminal case and rendering a fair verdict?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Do you have any physical or psychological disability that might interfere with or prevent you from serving as a juror?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Have you or anyone close to you ever been the victim of a crime?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you or anyone close to you ever been charged with or arrested for a crime, other than a traffic violation?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you or anyone close to you ever been an eyewitness to a crime, whether or not it ever came to court?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Have you or anyone close to you ever worked in law enforcement or the justice system? This includes police, prosecutors, attorneys, detectives, security or prison guards, and court related agencies.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Would you be more likely to believe the testimony of a police officer or any other law enforcement officer because of his or her job?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Would you be less likely to believe the testimony of a police officer or other law enforcement officer because of his or her job?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Would you have any problem following the court's instruction that the defendant in a criminal case is presumed to be innocent unless and until proven guilty beyond a reasonable doubt?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Would you have any problem following the court's instruction that the defendant in a criminal case does not have to take the stand or present evidence, and it cannot be held against the defendant if he or she elects to remain silent or present no evidence? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Would you have any problem following the court's instruction in a criminal case that just because someone is arrested, it does not mean that the person is guilty of anything?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. In general, would you have any problem following and applying the judge's instruction on the law?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Would you have any problem during jury deliberations in a criminal case discussing the case fully but still making up your own mind?   | <input type="checkbox"/> | <input type="checkbox"/> |

15. Are you presently taking any medication that might interfere with or prevent you from serving as a juror?
16. Is there any other reason you could not be a fair juror in a criminal case?

**I hereby certify that the answers on this form are true and correct. I understand that false answers provided herein subject me to penalties under 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.**

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

### Comment

This rule requires that, prior to *voir dire* in any criminal case, the prospective jurors, including prospective alternate jurors, must complete the standard, confidential juror information questionnaire required in [ paragraph (H) ] subdivision (i), and that the trial judge and attorneys must automatically be given copies of the completed questionnaires in time to examine them before *voir dire* begins. Compare Rule 625, which provides that attorneys must request copies of juror qualification forms for the jurors summoned in their case.

Under [ paragraph (A)(2) ] subdivision (a)(2), it is intended that the president judge of each judicial district may designate procedures for submitting the questionnaire to the jurors and maintaining them upon completion. For example, some districts may choose to mail them along with their jury qualification form, while others may desire to have the questionnaire completed by the panel of prospective jurors when they report for jury service. This rule, however, mandates that the questionnaires be completed by each prospective juror to a criminal case.

Each judicial district must provide the jurors with instructions for completing the form[ , ] and inform them of the procedures for maintaining confidentiality of the questionnaires. It is expected that each judicial district will inform the jurors that the questionnaires will only be used for jury selection **or for the limited purposes provided in subdivision (h).**

Pursuant to [ paragraph (C) ] subdivision (c), the juror information questionnaire is not a public record and therefore may not be combined in one form with the qualification questionnaire required by Rule 625. However, nothing in this rule would prohibit the distribution of both questionnaires in the same mailing.

Under [ paragraph (B) ] subdivision (b), the **disaggregated information provided by the jurors that contains their individualized, personally identifiable information** is confidential and may be used only for the purpose of jury selection. Except for disclosures made during *voir dire*, [ the ] **such** information in the completed questionnaires may not be disclosed to anyone except the trial judge, the attorneys and any persons assisting the attorneys in jury selection, such as a member of the trial team or a consultant hired to assist in jury selection, the defendant, and any court personnel designated by the judge. Even once disclosed to such persons, however, the information in the questionnaires remains confidential. **Nothing in this rule is intended to prohibit or discourage the collection and retention of aggregated juror demographic data pursuant to subdivision (h).**

Although the defendant may participate in *voir dire* and have access to information from the questionnaire, nothing in this rule is intended to allow a defendant to have a copy of the questionnaire.

[ Paragraph (D) ] Subdivision (d) makes it clear that juror information questionnaires are to be used in conjunction with the oral examination of the prospective jurors[ , ] and are not to be used as a substitute for the oral examination. Juror information questionnaires facilitate and expedite the *voir dire* examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions. Although nothing in this rule is intended to preclude oral questioning during *voir dire*, the scope of *voir dire* is within the discretion of the trial judge. See, e.g., *Commonwealth v. McGrew*, 100 A.2d 467 (Pa. 1953) and Rule 631(E).

[ Paragraph (E) ] Subdivision (e) provides, upon order of the trial judge, that only attorneys in the case, subject to strict limitations imposed by the court, may retain their copies of the juror information questionnaires during adjournment.

[ Paragraph (F) ] Subdivision (f) provides the procedures for the collection and disposition of the original completed questionnaires and copies for impaneled jurors. Once *voir dire* is concluded, all copies of the completed questionnaires are returned to the official designated by the president judge pursuant to [ paragraph (A)(2), ] **subdivision (a)(2) and destroyed promptly or retained for the limited purposes of subdivision (h).** The original completed questionnaires of the impaneled jury must be retained in a sealed file in the manner prescribed pursuant to [ paragraph (A)(2), ] **subdivision (a)(2) and destroyed upon the conclusion of the juror's service, unless the trial judge orders otherwise or unless retained for the limited purposes of subdivision (h).** Because the information in the questionnaires is confidential, the trial judge should only order retention of the original questionnaires under unusual circumstances. Such a circumstance would arise, for example, if the questionnaires were placed at issue for post-verdict review. In that event, the judge would order the preservation of the questionnaires in order to make them part of the appellate record. **Nothing in this rule is intended to prevent the trial or president judge, court administrator, or other relevant official from retaining the original questionnaires for the limited purposes of subdivision (h).**

Under [ paragraph (G) ] subdivision (g), the original and any copies of the questionnaires of those jurors not impaneled and not selected for any jury must be destroyed [ **without exception** ] upon completion of their service **unless retained for the limited purposes of subdivision (h).**

There may be situations in which the attorneys and judge would want to prepare an individualized questionnaire for a particular case. In this situation, a supplemental questionnaire, **as permitted by subdivision (a)(1),** would be used together with the standard juror informa-



tion questionnaire, and the disclosure and retention provisions in [ paragraphs (B) and (F) ] subdivisions (b) and (f) would apply. [ See paragraph (A)(1). ]

[ *Official Note:*

**Former Rule 1107 rescinded September 28, 1975. Present Rule 1107 adopted September 15, 1993, effective January 1, 1994; suspended December 17, 1993 until further Order of the Court; the September 15, 1993 Order is superseded by the September 18, 1998 Order, and present Rule 1107 adopted September 18, 1998, effective July 1, 1999; renumbered Rule 632 and amended March 1, 2000, effective April 1, 2001; amended May 2, 2005, effective August 1, 2005; amended July 7, 2015, effective October 1, 2015.**

**Committee Explanatory Reports:**

**Final Report explaining the September 18, 1998 adoption of new Rule 1107 concerning juror information questionnaires published with the Court's Order at 29 Pa.B. 4887 (October 3, 1999).**

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

**Final Report explaining the May 2, 2005 amendments to the mandatory juror information questionnaire form published at 35 Pa.B. 2870 (May 14, 2005).**

**Final Report explaining the July 7, 2015 amendments correcting cross-references to Rules 625 and 631 published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015). ]**

**SUPREME COURT OF PENNSYLVANIA  
CRIMINAL PROCEDURAL RULES COMMITTEE  
REPUBLICATION REPORT**

**Proposed Amendment of Pa.R.Crim.P. 632.**

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 632. The proposed amendment would revise the juror information questionnaire by increasing the number of categories of race and ethnicity from which a juror may choose, including a query for gender, and including an optional query for religion. The rule would also be amended to explicitly permit judicial districts to retain information provided by prospective and impaneled jurors so long as such information is only retained in the aggregate.

Currently, Pa.R.Crim.P. 632(H) sets forth the juror information questionnaire. Among sections seeking biographical information, *e.g.*, name, city, and marital status, there is a section soliciting prospective jurors to identify their race. The form presents the juror with four choices: "white," "black," "Hispanic," and "other." Each choice is accompanied by a corresponding checkbox. The "other" checkbox, however, does not have an accompanying space for the juror to disclose a specific race. The questionnaire does not solicit prospective or impaneled jurors to identify their ethnicity, their gender, or their religion. This current version of the juror information questionnaire containing a "race box" was first adopted in 1998. *See* 28 Pa.B. 4883 (October 3, 1998). The purpose of the questionnaire was to "reduce otherwise lengthy *voir dire* practices [ ] and ensure that basic information about the jurors is known to the parties." As governed by

Pa.R.Crim.P. 632, the information contained in the questionnaires is made available only to the trial judge, the defendant, the defendant's attorney, and the attorney for the Commonwealth and only for the purpose of jury selection. Pa.R.Crim.P. 632(B). The questionnaires are to be returned to the judge at the completion of a juror's service and destroyed.

The Committee's review of Pa.R.Crim.P. 632 was prompted by an observation that the questionnaire's options for race and ethnicity were too limited. Additionally, the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness (Interbranch) requested that the rule be amended to permit judicial districts to retain aggregated, non-identifiable juror demographic information for the purpose of assessing whether juries are drawn from a representative cross-section of the community.

As previously published, *see* 53 Pa.B. 1660 (March 25, 2023), the Committee expanded the categories of race and ethnicity to include sufficient categories for use in a *Batson* challenge and proposed querying for gender to provide additional relevant *Batson* information. *See Batson v. Kentucky*, 476 U.S. 79 (1986). In response to the Interbranch's request, the Committee proposed subdivision (h), which would permit retention of juror data, provided the data is retained in the aggregate and in a manner that does not contain or reveal any personally identifiable information of the prospective or impaneled jurors. Please note, subdivision (h) is intended to permit the retention of this information; it is not intended to require retention. Whether that data is retained is an administrative, rather than procedural, matter.

After publishing the prior proposal for comment, the Committee was urged by a commenter to include a query for religious affiliation. In response, the Committee is proposing the addition of a blank space on the questionnaire for a prospective juror to identify their religion. Recognizing that *Batson* has not yet been extended to prohibit peremptory strikes based on religion, *see Davis v. Minnesota*, 511 U.S. 1115 (1994) (denying *certiorari*), *see also U.S. v. DeJesus*, 347 F.3d 500 (3rd Cir. 2003) (affirming the district court and declining to "reach the issue of whether a peremptory strike based solely on religious affiliation would be unconstitutional"), the Committee has chosen to make providing this information optional, as indicated on the questionnaire. To better inform itself, the Committee seeks public comment on the merit of this proposed revision to the juror questionnaire. In all other respects, this proposal is identical to the previously published proposal.

[Pa.B. Doc. No. 23-1070. Filed for public inspection August 11, 2023, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**LUZERNE COUNTY**

**Rescission of Family Court Local Rules Prior to the Order Entered on December 15, 2022; No. 07803 of 2023**

**Order**

*And Now*, this 28 day of July, 2023, it is hereby *Ordered and Decreed* as follows:

1. The Luzerne County Court of Common Pleas of the 11th Judicial District of Pennsylvania hereby rescinds all

Luzerne County Family Court Local Rules with regard to Support, Custody and Divorce, (excluding all Local Rules of Civil Procedure adopted by Court Order of February 16, 2017, docketed to No. 1742 of 2017) as the Rules appear prior to the effective date of the Order entered on December 15, 2022, docketed to No. 00003 of 2022.

2. Pursuant to Pa.R.J.A. 103(d) and Pa.R.C.P. 239(c), this Order shall be disseminated and published in the following manner:

a. One copy via email to the Administrative Office of Pennsylvania Courts;

b. Two paper copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and one electronic copy via e-mail saved in a Microsoft format to bulletin@palrb.us;

c. One copy for publication on the Court's website, located at www.luzernecounty.org; and

d. One copy to the Luzerne County Office of Court Administration, *Luzerne Legal Register*, and the Luzerne County Clerk of Judicial Records for public inspection and copying.

3. It is further Ordered that the effective date of this Order shall be thirty (30) days after the date of Publication in the *Pennsylvania Bulletin*.

4. It is further Ordered that this Order shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County.

*By the Court*

MICHAEL T. VOUGH,  
*President Judge*

[Pa.B. Doc. No. 23-1071. Filed for public inspection August 11, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### MONTGOMERY COUNTY

#### Administrative Order AD-248-23; Crime Victims Services Fund

##### Order

*And Now*, this 2nd day of August, 2023, pursuant to 18 P.S. § 11.1101(a), it is *Ordered* that, in addition to costs imposed under 42 Pa.C.S. § 3571(c), this Court approves the increased assessment of the Crime Victim Services and Compensation Act 77 of 2022 (CVSC) to a total of \$100, unless otherwise ordered by the Court. This cost shall apply to any person who pleads guilty or nolo contendere or who is convicted of a crime as defined in Title 18 Section 11.103. This cost shall be imposed by the Magisterial District Courts and the Court of Common Pleas in the 38th Judicial District notwithstanding any statutory provision to the contrary.

Furthermore, pursuant to 18 P.S. § 11.1101(b), seventy percent (70%) of any costs imposed which exceed the minimum \$60 shall be paid into the Montgomery County Victim Services Fund established and administered by the Montgomery County Treasurer. The remaining portion shall be paid pursuant to 18 P.S. § 11.1101(b).

This Administrative Order shall be effective thirty (30) days after publication thereof in the *Pennsylvania Bulletin* and shall apply to all matters then pending.

*By the Court*

CAROLYN T. CARLUCCIO,  
*President Judge*

[Pa.B. Doc. No. 23-1072. Filed for public inspection August 11, 2023, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

SUZANNE E. PRICE,  
*Attorney Registrar*

### FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

#### Bank Code A.

595	Abacus Federal Savings Bank
2	ACNB Bank
613	Allegent Community Federal Credit Union
375	Altoona First Savings Bank
376	Ambler Savings Bank
<b>532</b>	<b>AMERICAN BANK (PA)</b>
615	Americhoice Federal Credit Union
<b>116</b>	<b>AMERISERV FINANCIAL</b>
648	Andover Bank (The)
377	Apollo Trust Company

#### Bank Code B.

558	Bancorp Bank (The)
485	Bank of America, NA
<b>662</b>	<b>BANK OF BIRD-IN-HAND</b>
415	Bank of Landisburg (The)
<b>596</b>	<b>BANK OF PRINCETON (THE)</b>
664	BankUnited, NA
501	BELCO Community Credit Union
<b>673</b>	<b>BENCHMARK FEDERAL CREDIT UNION</b>
652	Berkshire Bank
663	BHCU
5	BNY Mellon, NA
392	Brentwood Bank
495	Brown Brothers Harriman Trust Co., NA

#### Bank Code C.

654	CACL Federal Credit Union
618	Capital Bank, NA
<b>675</b>	<b>CENTRE 1ST BANK, A DIVISION OF OLD DOMINION NATIONAL BANK</b>
<b>394</b>	<b>CFS BANK</b>
623	Chemung Canal Trust Company
599	Citibank, NA
238	Citizens & Northern Bank
561	Citizens Bank, NA
206	Citizens Savings Bank

576 Clarion County Community Bank  
 591 Clearview Federal Credit Union  
 23 CNB Bank  
 223 Commercial Bank & Trust of PA  
 21 Community Bank (PA)  
 371 Community Bank, NA (NY)  
 132 Community State Bank of Orbisonia  
 380 County Savings Bank  
 536 Customers Bank

**Bank Code D.**

339 Dime Bank (The)  
 27 Dollar Bank, FSB

**Bank Code E.**

500 Elderton State Bank  
 567 Embassy Bank for the Lehigh Valley  
 541 Enterprise Bank  
 28 Ephrata National Bank  
 601 Esquire Bank, NA  
 340 ESSA Bank & Trust

**Bank Code F.**

629 1st Colonial Community Bank  
 158 1st Summit Bank  
 31 F & M Trust Company—Chambersburg  
 658 Farmers National Bank of Canfield  
 34 Fidelity Deposit & Discount Bank (The)  
 583 Fifth Third Bank  
 661 First American Trust, FSB  
 643 First Bank  
 174 First Citizens Community Bank  
 191 First Columbia Bank & Trust Company  
 539 First Commonwealth Bank  
 674 First Commonwealth Federal Credit Union  
 504 First Federal S & L Association of Greene  
 County  
 525 First Heritage Federal Credit Union  
 42 First Keystone Community Bank  
 51 First National Bank & Trust Company of  
 Newtown (The)  
 48 First National Bank of Pennsylvania  
 426 First Northern Bank & Trust Company  
 604 First Priority Bank, a division of Mid Penn  
 Bank  
**592 FIRST RESOURCE BANK**  
 657 First United Bank & Trust  
 408 First United National Bank  
 151 Firstrust Savings Bank  
 416 Fleetwood Bank  
 175 FNCB Bank  
**647 FORBRIGHT BANK**  
 291 Fox Chase Bank  
 241 Franklin Mint Federal Credit Union  
 639 Freedom Credit Union  
 58 Fulton Bank, NA

**Bank Code G.**

499 Gratz Bank (The)  
 498 Greenville Savings Bank

**Bank Code H.**

244 Hamlin Bank & Trust Company  
 362 Harleysville Savings Bank  
 363 Hatboro Federal Savings  
 463 Haverford Trust Company (The)  
 606 Hometown Bank of Pennsylvania  
 68 Honesdale National Bank (The)

605 Huntington National Bank (The)  
 608 Hyperion Bank

**Bank Code I.**

669 Industrial Bank  
 365 InFirst Bank  
 668 Inspire FCU  
 557 Investment Savings Bank  
 526 Iron Workers Savings Bank

**Bank Code J.**

70 Jersey Shore State Bank  
 127 Jim Thorpe Neighborhood Bank  
 488 Jonestown Bank & Trust Company  
 659 JPMorgan Chase Bank, NA  
**72 JUNIATA VALLEY BANK (THE)**

**Bank Code K.**

651 KeyBank NA  
 414 Kish Bank

**Bank Code L.**

78 Luzerne Bank

**Bank Code M.**

361 M & T Bank  
 510 Marquette Center Bank  
 387 Marquette Savings Bank  
 81 Mars Bank  
 367 Mauch Chunk Trust Company  
 511 MCS (Mifflin County Savings) Bank  
 641 Members 1st Federal Credit Union  
 555 Mercer County State Bank  
 192 Merchants Bank of Bangor  
 671 Merchants Bank of Indiana  
 610 Meridian Bank  
 294 Mid Penn Bank  
**276 MIFFLINBURG BANK & TRUST COMPANY**  
 457 Milton Savings Bank  
**484 MUNCY BANK & TRUST COMPANY (THE)**

**Bank Code N.**

433 National Bank of Malvern  
 168 NBT Bank, NA  
 347 Neffs National Bank (The)  
**434 NEW TRIPOLI BANK**  
 15 NexTier Bank, NA  
 666 Northern Trust Co.  
 439 Northumberland National Bank (The)  
 93 Northwest Bank

**Bank Code O.**

653 OceanFirst Bank  
 489 OMEGA Federal Credit Union  
 94 Orrstown Bank

**Bank Code P.**

**598 PARKE BANK**  
 584 Parkview Community Federal Credit Union  
 40 Penn Community Bank  
 540 PennCrest Bank  
 419 Pennian Bank  
 447 Peoples Security Bank & Trust Company  
 99 PeoplesBank, a Codorus Valley Company  
 556 Philadelphia Federal Credit Union  
 448 Phoenixville Federal Bank & Trust  
 665 Pinnacle Bank  
 79 PNC Bank, NA  
 449 Port Richmond Savings

667	Premier Bank
354	Presence Bank
451	Progressive-Home Federal Savings & Loan Association
637	Provident Bank
491	PS Bank

**Bank Code Q.**

107	QNB Bank
560	Quaint Oak Bank

**Bank Code R.**

452	Reliance Savings Bank
220	Republic First Bank d/b/a Republic Bank

**Bank Code S.**

153	S & T Bank
316	Santander Bank, NA
460	Second Federal S & L Association of Philadelphia
646	Service 1st Federal Credit Union
458	Sharon Bank
462	Slovenian Savings & Loan Association of Franklin-Conemaugh
<b>486</b>	<b>SOMERSET TRUST COMPANY</b>
633	SSB Bank
122	Susquehanna Community Bank

**Bank Code T.**

638	3Hill Credit Union
143	TD Bank, NA
<b>656</b>	<b>TIOGA FRANKLIN SAVINGS BANK</b>
182	Tompkins Vist Bank
660	Top Tier FCU
577	Traditions Bank
609	Tristate Capital Bank
672	Truist Bank
640	TruMark Financial Credit Union
467	Turbotville National Bank (The)

**Bank Code U.**

483	UNB Bank
481	Union Building and Loan Savings Bank
634	United Bank, Inc.
472	United Bank of Philadelphia
475	United Savings Bank
600	Unity Bank
232	Univest Bank & Trust Co.

**Bank Code V.**

611	Victory Bank (The)
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**Bank Code W.**

119	Washington Financial Bank
121	Wayne Bank
<b>631</b>	<b>WELLS FARGO BANK, NA</b>
553	WesBanco Bank, Inc.
494	West View Savings Bank
473	Westmoreland Federal S & L Association
476	William Penn Bank
272	Woodlands Bank
573	Woori America Bank
630	WSFS (Wilmington Savings Fund Society), FSB

**Bank Code X.****Bank Code Y.****Bank Code Z.****PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

**IOLTA EXEMPTION**

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at [www.paiolta.org](http://www.paiolta.org) or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

**FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.**

*New**Name Change*

364	Huntingdon Valley Bank—Change to 174 First Citizens Community Bank
636	Noah Bank—Change to 596 Bank of Princeton (The)
386	Malvern Bank, NA—Change to 643 First Bank

*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 23-1073. Filed for public inspection August 11, 2023, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

**Notice of Disbarment**

Notice is hereby given that Jay Arthur Rosenberg, (# 325011), having been disbarred in the District of Columbia Court of Appeals and having his privilege to practice law revoked in the Commonwealth of Virginia, the Supreme Court of Pennsylvania issued an Order July 28, 2023, disbaring Jay Arthur Rosenberg, from the Bar of this Commonwealth, effective August 27, 2023.

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

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 23-1074. Filed for public inspection August 11, 2023, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on July 28, 2023, pursuant to Rule 214(d)(5), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Marc William Nuzzo (# 89065) be placed on Temporary Suspension from the practice of law, effective August 27, 2023. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 23-1075. Filed for public inspection August 11, 2023, 9:00 a.m.]

## SUPREME COURT

### Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 237 Disciplinary Rules Docket

#### Order

*Per Curiam*

*And Now*, this 2nd day of August, 2023, it is hereby Ordered that the financial institutions named on the attached list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

#### Bank Code A.

595 Abacus Federal Savings Bank  
2 ACNB Bank  
613 Allegent Community Federal Credit Union  
375 Altoona First Savings Bank  
376 Ambler Savings Bank  
532 **AMERICAN BANK (PA)**  
615 Americhoice Federal Credit Union  
116 **AMERISERV FINANCIAL**  
648 Andover Bank (The)  
377 Apollo Trust Company

#### Bank Code B.

558 Bancorp Bank (The)  
485 Bank of America, NA  
662 **BANK OF BIRD-IN-HAND**  
415 Bank of Landisburg (The)  
596 **BANK OF PRINCETON (THE)**  
664 BankUnited, NA  
501 BELCO Community Credit Union  
673 **BENCHMARK FEDERAL CREDIT UNION**  
652 Berkshire Bank  
663 BHCU  
5 BNY Mellon, NA  
392 Brentwood Bank  
495 Brown Brothers Harriman Trust Co., NA

#### Bank Code C.

654 CACL Federal Credit Union  
618 Capital Bank, NA  
675 **CENTRE 1ST BANK, A DIVISION OF OLD  
DOMINION NATIONAL BANK**  
394 **CFS BANK**  
623 Chemung Canal Trust Company

599 Citibank, NA  
238 Citizens & Northern Bank  
561 Citizens Bank, NA  
206 Citizens Savings Bank  
576 Clarion County Community Bank  
591 Clearview Federal Credit Union  
23 CNB Bank  
223 Commercial Bank & Trust of PA  
21 Community Bank (PA)  
371 Community Bank, NA (NY)  
132 Community State Bank of Orbisonia  
380 County Savings Bank  
536 Customers Bank

#### Bank Code D.

339 Dime Bank (The)  
27 Dollar Bank, FSB

#### Bank Code E.

500 Elderton State Bank  
567 Embassy Bank for the Lehigh Valley  
541 Enterprise Bank  
28 Ephrata National Bank  
601 Esquire Bank, NA  
340 ESSA Bank & Trust

#### Bank Code F.

629 1st Colonial Community Bank  
158 1st Summit Bank  
31 F & M Trust Company—Chambersburg  
658 Farmers National Bank of Canfield  
34 Fidelity Deposit & Discount Bank (The)  
583 Fifth Third Bank  
661 First American Trust, FSB  
643 First Bank  
174 First Citizens Community Bank  
191 First Columbia Bank & Trust Company  
539 First Commonwealth Bank  
674 First Commonwealth Federal Credit Union  
504 First Federal S & L Association of Greene  
County  
525 First Heritage Federal Credit Union  
42 First Keystone Community Bank  
51 First National Bank & Trust Company of  
Newtown (The)  
48 First National Bank of Pennsylvania  
426 First Northern Bank & Trust Company  
604 First Priority Bank, a division of Mid Penn  
Bank  
592 **FIRST RESOURCE BANK**  
657 First United Bank & Trust  
408 First United National Bank  
151 Firstrust Savings Bank  
416 Fleetwood Bank  
175 FNCB Bank  
647 **FORBRIGHT BANK**  
291 Fox Chase Bank  
241 Franklin Mint Federal Credit Union  
639 Freedom Credit Union  
58 Fulton Bank, NA

#### Bank Code G.

499 Gratz Bank (The)  
498 Greenville Savings Bank

#### Bank Code H.

244 Hamlin Bank & Trust Company  
362 Harleysville Savings Bank  
363 Hatboro Federal Savings  
463 Haverford Trust Company (The)

606 Hometown Bank of Pennsylvania  
 68 Honesdale National Bank (The)  
 605 Huntington National Bank (The)  
 608 Hyperion Bank

**Bank Code I.**

669 Industrial Bank  
 365 InFirst Bank  
 668 Inspire FCU  
 557 Investment Savings Bank  
 526 Iron Workers Savings Bank

**Bank Code J.**

70 Jersey Shore State Bank  
 127 Jim Thorpe Neighborhood Bank  
 488 Jonestown Bank & Trust Company  
 659 JPMorgan Chase Bank, NA  
 72 **JUNIATA VALLEY BANK (THE)**

**Bank Code K.**

651 KeyBank NA  
 414 Kish Bank

**Bank Code L.**

78 Luzerne Bank

**Bank Code M.**

361 M & T Bank  
 510 Marion Center Bank  
 387 Marquette Savings Bank  
 81 Mars Bank  
 367 Mauch Chunk Trust Company  
 511 MCS (Mifflin County Savings) Bank  
 641 Members 1st Federal Credit Union  
 555 Mercer County State Bank  
 192 Merchants Bank of Bangor  
 671 Merchants Bank of Indiana  
 610 Meridian Bank  
 294 Mid Penn Bank  
 276 **MIFFLINBURG BANK & TRUST COMPANY**  
 457 Milton Savings Bank  
 484 **MUNCY BANK & TRUST COMPANY (THE)**

**Bank Code N.**

433 National Bank of Malvern  
 168 NBT Bank, NA  
 347 Neffs National Bank (The)  
 434 **NEW TRIPOLI BANK**  
 15 NextTier Bank, NA  
 666 Northern Trust Co.  
 439 Northumberland National Bank (The)  
 93 Northwest Bank

**Bank Code O.**

653 OceanFirst Bank  
 489 OMEGA Federal Credit Union  
 94 Orrstown Bank

**Bank Code P.**

598 **PARKE BANK**  
 584 Parkview Community Federal Credit Union  
 40 Penn Community Bank  
 540 PennCrest Bank  
 419 Pennian Bank  
 447 Peoples Security Bank & Trust Company  
 99 PeoplesBank, a Codorus Valley Company  
 556 Philadelphia Federal Credit Union  
 448 Phoenixville Federal Bank & Trust  
 665 Pinnacle Bank  
 79 PNC Bank, NA

449 Port Richmond Savings  
 667 Premier Bank  
 354 Presence Bank  
 451 Progressive-Home Federal Savings & Loan  
 Association  
 637 Provident Bank  
 491 PS Bank

**Bank Code Q.**

107 QNB Bank  
 560 Quaint Oak Bank

**Bank Code R.**

452 Reliance Savings Bank  
 220 Republic First Bank d/b/a Republic Bank

**Bank Code S.**

153 S & T Bank  
 316 Santander Bank, NA  
 460 Second Federal S & L Association of  
 Philadelphia  
 646 Service 1st Federal Credit Union  
 458 Sharon Bank  
 462 Slovenian Savings & Loan Association of  
 Franklin-Conemaugh  
 486 **SOMERSET TRUST COMPANY**  
 633 SSB Bank  
 122 Susquehanna Community Bank

**Bank Code T.**

638 3Hill Credit Union  
 143 TD Bank, NA  
 656 **TIOGA FRANKLIN SAVINGS BANK**  
 182 Tompkins Vist Bank  
 660 Top Tier FCU  
 577 Traditions Bank  
 609 Tristate Capital Bank  
 672 Truist Bank  
 640 TruMark Financial Credit Union  
 467 Turbotville National Bank (The)

**Bank Code U.**

483 UNB Bank  
 481 Union Building and Loan Savings Bank  
 634 United Bank, Inc.  
 472 United Bank of Philadelphia  
 475 United Savings Bank  
 600 Unity Bank  
 232 Univest Bank & Trust Co.

**Bank Code V.**

611 Victory Bank (The)

**Bank Code W.**

119 Washington Financial Bank  
 121 Wayne Bank  
 631 **WELLS FARGO BANK, NA**  
 553 WesBanco Bank, Inc.  
 494 West View Savings Bank  
 473 Westmoreland Federal S & L Association  
 476 William Penn Bank  
 272 Woodlands Bank  
 573 Woori America Bank  
 630 WSFS (Wilmington Savings Fund Society), FSB

**Bank Code X.****Bank Code Y.****Bank Code Z.**

**PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

**IOLTA EXEMPTION**

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at [www.paiolta.org](http://www.paiolta.org) or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

**FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.**

*New**Name Change*

- 364      Huntingdon Valley Bank—Change to 174 First  
            Citizens Community Bank
- 636      Noah Bank—Change to 596 Bank of Princeton  
            (The)
- 386      Malvern Bank, NA—Change to 643 First Bank

*Platinum Leader Change**Correction**Removal*

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