

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amended Rule 93-5 Governing Requirements for Custody Stipulations

Amended Family Court Administrative Regulation 93-5: Requirements for Custody Stipulations

Effective December 1, 1996, no Stipulation relating to Child Custody, Partial Custody or Visitation will be accepted for filing unless the following are presented in connection therewith:

A. An original signed Stipulation and five (5) copies thereof. The signatures of all parties must be dated. The "Order" approving the Stipulation must contain language referencing the date the parties executed the agreement (see attached sample);

B. A self-addressed, stamped envelope bearing the name and address of each party and their respective attorney;

C. A Praeceptum to Transmit Custody Stipulation in the form set forth below;

D. On said Praeceptum, the name of the filing attorney and his/her address and Supreme Court identification number;

E. The language of the agreement should flow onto the signature page so as to prevent any possible fraud or dispute as to what a party actually signed;

F. The Domestic Relations Number of the case must be referenced on the Stipulation as well as on the Praeceptum to Transmit;

G. The pages of the Stipulation should be consecutively numbered with reference to the total pages in the document as, for example, "1 of 3, 2 of 3," etc;

H. An Acknowledgment of Paternity Affidavit must accompany the Stipulation on all non-married cases if paternity has not been previously acknowledged;

I. A complete Domestic Relations Information Sheet must be submitted in conformity with Administrative Regulation 93-4;

J. The Stipulation and accompanying documents must conform with all other requirements of the Domestic Relations Branch;

Those Stipulations not in compliance will be returned unapproved.

This Order is issued in accordance with Pa.R.C.P. No. 239 and as required by Pa.R.C.P. No. 239, the original Order shall be filed with the Prothonotary and copies shall be distributed as provided by said Rule and shall also be submitted to *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania.

PAUL P. PANEPINTO,
Administrative Judge, Family Court

[Pa.B. Doc. No. 96-1925. Filed for public inspection November 15, 1996, 9:00 a.m.]

PHILADELPHIA COUNTY

Procedure Implementing Pa.R.D.E. No. 217(g) Re: Attorney Disbarments and Suspensions; No. 96-3

The Court regularly receives from the Pennsylvania Supreme Court and the Disciplinary Board copies of Orders suspending, or disbaring attorneys from the practice of law in the Commonwealth of Pennsylvania or placing same on inactive status. Pa.R.D.E. No. 217(g) provides that upon receipt of such Order the President Judge of the Court of Common Pleas of the judicial district in which the formerly admitted attorney practiced shall make such further order as may be necessary to fully protect the rights of the clients of the formerly admitted attorney.

This General Court Regulation shall govern all attorneys who practice, and all cases filed, in the First Judicial District and is issued jointly with the President Judge of the Municipal Court of Philadelphia County.

The following procedure shall be followed whenever the Court is advised by the Pennsylvania Supreme Court or Disciplinary Board that a Pennsylvania licensed attorney has been suspended, disbarred or placed on inactive status.

1. *Issuance of Order by the President Judge.* Upon notice of the suspension, disbarment or placement on inactive status of any attorney, the President Judge of the Court of Common Pleas shall enter an Order designed to protect the rights of the clients of the formerly admitted attorney, effectuating the within General Court Regulation. In addition, the order shall strike the formerly admitted attorney's name from the Arbitration list and other Court appointment lists. The Order shall be substantially as attached hereto as Exhibit "A". A copy of the Order shall be provided to the formerly admitted attorney, all Judges of the First Judicial District, and other interested parties. Upon the entry of said Order, the Court will not accept any further pleadings from, or appearances by, the said attorney except as provided herein. The Disciplinary Board may at any time thereafter request from the Court an Attorney Activity Report.

2. *Creation of a Disciplinary Docket.* The Prothonotary shall maintain a list or docket of all attorneys who have been suspended, disbarred or placed on inactive status. The docket shall contain, *inter alia*, the name of the attorney, the Supreme Court identification number, and the effective date of the suspension, disbarment or placement on inactive status. The list shall be maintained in the office of the Prothonotary and shall be a public record.

3. *Civil Cases.* As of the effective date of the suspension, disbarment or placement on inactive status, all civil cases in which the suspended, disbarred or inactive attorney is the attorney of record shall be immediately deferred for a period of sixty (60) days. The formerly admitted attorney shall be removed as attorney of record for any party for whom his/her appearance is entered, and all notices entered thereafter shall be mailed to the party's last address of record until such time as a new attorney enters an appearance on behalf of that party.

4. *Criminal Cases.* The following action shall be taken in criminal cases (including juvenile and dependency

cases) upon notification of the suspension, disbarment or inactive status:

a. *Court Appointed Counsel.* The suspended, disbarred or inactive attorney shall be removed as the court-appointed attorney for the defendant and the appropriate criminal listings office shall forthwith appoint new counsel who will immediately undertake representation of the defendant.

b. *Privately Retained Counsel.* The disbarred, suspended or inactive attorney shall be removed as attorney of record for the defendant and the defendant shall be advised by letter from the appropriate criminal listings office to secure new counsel prior to the next scheduled listing so as to cause no delay in the trial of the case.

5. *Family Court Cases.* As of the effective date of the suspension, disbarment or placement on inactive status, the formerly admitted attorney shall be removed as attorney of record for any party for whom his/her appearance is entered, the parties shall be advised by the Clerk of Family Court to secure new counsel prior to the next scheduled listing so as to cause no delay in the trial of the case, and all notices issued thereafter shall be mailed to the party's last address of record until such time as a new attorney enters an appearance on behalf of that party.

6. *Reinstatement or Readmission.* In the event a suspended, disbarred or inactive attorney is readmitted or reinstated to the Bar of the Commonwealth of Pennsylvania, upon receipt of a certified copy of the Order reinstating the attorney, or upon receipt of a Certificate of Good Standing issued by the Supreme Court Prothonotary pursuant to Pa.B.A.R. No. 201(d), the attorney's name shall be removed from the Docket maintained as provided herein and the attorney may thereafter represent any

party in connection with any case; provided, however, that a new entry of appearance must be filed subsequent to the readmission or reinstatement for each case even if counsel had been counsel of record prior to the suspension, disbarment or placement on inactive status. It is further provided, however, that the readmission or reinstatement of an attorney to the bar of the Commonwealth of Pennsylvania shall not automatically reinstate the attorney to the various Court appointment lists. Rather, the attorney must reapply for each appointment list and shall set forth the relevant facts concerning the suspension, disbarment or inactivity as well as the reinstatement or readmission.

This General Court Regulation is issued in accordance with Pa.R.D.E. No. 217(g), Phila. Civ. R. No. ★51 and Pa.R.C.P. No. 239 and shall become effective January 1, 1997. As required by Pa.R.C.P. No. 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedure Rules Committee. Copies of the Order shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library, and the law library for the First Judicial District.

ALAN K. SILBERSTEIN,
*President Judge
Municipal Court*
ALEX BONAVITACOLA,
*President Judge
Court of Common Pleas*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

IN RE: _____ : DISCIPLINARY DOCKET
: :
I. D. NO. _____ : NO. 97-

ORDER

AND NOW, this _____ day of _____, 19____, the Court having been advised that _____, Esquire has been suspended, disbarred or placed on inactive status by the Supreme Court, IT IS HEREBY ORDERED and DECREED that the said formerly admitted attorney is removed as attorney for any party for whom his/her appearance is entered. In the event the said formerly admitted attorney is reinstated, a new entry of appearance shall be filed in every case in which he/she will be the attorney of record.

IT IS FURTHER ORDERED and DECREED that the said formerly admitted attorney is removed from the Arbitration list and other court appointment lists.

IT IS FURTHER ORDERED and DECREED that any civil cases in which the said formerly admitted attorney represented a party shall be deferred for a period of sixty (60) days to permit the said party to retain new counsel. Thereafter, the case shall proceed as heretofore. All further notices sent pursuant to Pa.R.C.P. No. 236 shall be forwarded to the party's last address of record until such time as a new attorney enters an appearance on behalf of that party.

IT IS FURTHER ORDERED and DECREED that the appropriate criminal listings office shall forthwith appoint new counsel if the formerly admitted attorney was Court appointed to represent any defendant, and new counsel shall immediately undertake representation of the defendant. In the event the criminal defendant had privately retained the formerly admitted attorney, the said defendant shall obtain substitute counsel prior to the next scheduled hearing.

IT IS FURTHER ORDERED and DECREED that unless otherwise ordered by the Court, all Family Court cases shall proceed as scheduled and the appropriate clients of the formerly admitted attorney are directed to secure new counsel prior to the next scheduled listing so as to cause no delay in the trial of the case.

The formerly admitted attorney shall serve a copy of this Order on all clients and shall file an Affidavit of Service (together with a copy of this Order) in connection with each case in which he/she is an attorney of record and he/she shall set forth in the Affidavit of Service the client's current address.

BY THE COURT:

ALEX BONAVIDACOLA,
President Judge
Court of Common Pleas
Philadelphia County

EXHIBIT "A"

[Pa.B. Doc. No. 96-1926. Filed for public inspection November 15, 1996, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Rescission of Local Rule of Civil Procedure 1920.56; No. 96-00001-4

Order

And Now, this 22nd day of October, 1996, the Court hereby rescinds Montgomery County Local Rule of Civil Procedure 1920.56—*Temporary Order*. This Rescission is effective immediately.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Domestic Relations Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

WILLIAM T. NICHOLAS,
President Judge

[Pa.B. Doc. No. 96-1927. Filed for public inspection November 15, 1996, 9:00 a.m.]

WASHINGTON COUNTY

Local Rule L-4007: Admission of Persons to Bail; No. 147 Misc. 1996

[CORRECTION]

An error appeared in Washington County Local Rule L-4007: Admission of Persons to Bail; No. 147 Misc. 1996 as printed at 26 Pa.B. 5228 (November 2, 1996). The correct version of the rule appears as follows, with ellipses referring to the existing text of the rule:

L-4007-Bail. This Rule is intended to implement percentage cash bail as provided by Pa.R.Crim.P. 4007.

a. Bail by approved surety companies, cash, real estate, or bearer bonds, in accordance with Pa.R.Crim.P. 4007 shall remain as heretofore.

If the issuing authority who fixes the amount of bond, Judge or District Justice, as the case may be, desires to render paragraph 2 hereof inoperative, he may do so by any language that makes it clear that the full face amount of the bond is to be posted. This of course may be done in any permissible mode: cash, the bond of a good reputable surety company, justification of surety with two owners of, sufficient real estate, bearer bonds, or an acceptable commercial bail bondsman.

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[Pa.B. Doc. No. 96-1832. Filed for public inspection November 1, 1996, 9:00 a.m.]