

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 309 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And now, this 3rd day of October, 2007 it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The fees outlined in the Financial Regulations are effective as of January 1, 2008.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE

PART IV. FINANCIAL MATTERS

CHAPTER 17. GOVERNANCE OF THE SYSTEM

CHAPTER 35. BUDGET AND FINANCE

Subchapter A. General Provisions

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, Philadelphia Municipal Court and Philadelphia Traffic Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), the following regulations are adopted to implement Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4)(as amended).

42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases.*—In calendar year 2008, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less	\$44.00
(2) Actions involving more than \$500 but not more than \$2,000	\$59.00
(3) Actions involving more than \$2,000 but not more than \$4,000	\$73.50
(4) Actions involving more than \$4,000 but not more than \$8,000	\$110.00
(5) Landlord-tenant actions involving less than \$2,000	66.00
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$80.50
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000	\$110.00
(8) Order of execution	\$33.00
(9) Objection to levy	\$15.00
(10) Reinstatement of complaint	\$7.50
(11) Entering Transcript on Appeal or Certiorari	\$4.00

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2008, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

(1) Custody cases, except as provided in section 1725(c)(2)(v)	\$7.00
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(b) *Criminal cases.*—In calendar year 2008, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases	\$42.00
(2) Summary conviction, motor vehicle cases, other than paragraph (3)	\$33.00
(3) Summary conviction, motor vehicle cases, hearing demanded	\$40.00
(4) Misdemeanor	\$48.00
(5) Felony	\$55.00

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2008, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary	\$7.50
(2) Marrying each couple, making record thereof, and certificate to the parties	\$37.00
(3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse)	\$15.00
(4) Issuing a search warrant (except as provided in subsection (d))	\$15.00
(5) Any other issuance not otherwise provided in this subsection	\$15.00

42 Pa.C.S. § 3571.

In calendar year 2008, Commonwealth portion of fines, etc.

* * * * *

(2) Amounts payable to the Commonwealth:

- (i) Summary conviction, except motor vehicle cases \$14.70
- (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$14.70
- (iii) Summary conviction, motor vehicle cases, hearing demanded \$14.70
- (iv) Misdemeanor \$19.20
- (v) Felony \$29.35
- (vi) Assumpsit or trespass involving:
 - (A) \$500 or less \$18.35
 - (B) More than \$500 but not more than \$2,000 \$29.50
 - (C) More than \$2,000 but not more than \$4,000 \$44.10
 - (D) More than \$4,000 but not more than \$8,000 \$73.35
- (vii) Landlord-tenant proceeding involving:
 - (A) \$2,000 or less \$29.30
 - (B) More than \$2,000 but not more than \$4,000 \$36.60
 - (C) More than \$4,000 but not more than \$8,000 \$51.30
- (viii) Objection to levy \$7.50
- (ix) Order of execution \$22.00
- (x) Issuing a search warrant (except as provided in section 1725.1(d)(relating to costs)) .. \$10.50
- (xi) Order of possession \$15.00
- (xii) Custody cases (except as provided in section 1725(c)(2)(v)) \$5.60

[Pa.B. Doc. No. 07-1894. Filed for public inspection October 19, 2007, 9:00 a.m.]

**PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
[204 PA. CODE CH. 211]**

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 308 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And now, this 3rd day of October, 2007, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2006 as required by Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

**TITLE 204. JUDICIAL SYSTEM PROVISIONS
PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
CHAPTER 211. CONSUMER PRICE INDEX**

§ 211.1. Consumer Price Index.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court

has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2006 as required by Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4)(as amended). See, No. 308 Judicial Administrative Docket No. 1.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U. S. City Average, for calendar year 2006 was 2.5% percent. (See, U. S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, March 5, 2007.)

[Pa.B. Doc. No. 07-1895. Filed for public inspection October 19, 2007, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Advanced Communication Technology; Central Booking Procedure; Protection from Abuse Procedure; No. AD-16-2007

Administrative Order

And Now, this 20th day of September, 2007, it is *Hereby Ordered*:

1. Definitions

a. Advanced Communication Technology is as defined at PA.R.Crim.P. 103

b. Advanced Communication Technology Site is as defined at PA.R.Crim. 103

2. Central Booking Procedure

a. The Court of Common Pleas of Lehigh County adopts a countywide Central Booking Center (CBC) Procedures plan as set forth herein.

b. The Central Booking Center (CBC) is to be located at the Lehigh County Prison.

c. The purpose of the CBC is to efficiently process defendants charged with criminal actions with the express intent of returning the arresting officer(s) to their shift in their communities. The processing shall include, but not be limited to, fingerprinting, photographing and determining prior records of defendants being processed. In addition the CBC will be the site from where video preliminary arraignments shall occur, utilizing advanced communication technology, unless exceptions exist which may include, but are not limited to, equipment malfunctions, network malfunctions and related technology problems.

d. Persons arrested with or without a warrant for a felony or misdemeanor, with an initial exception for charges of DUI which is to be phased in over a schedule which is presently undetermined, shall be taken to the CBC for processing prior to the preliminary arraignment. Defendants arrested and released pursuant to PA.R.Crim.P. 519 (B) shall be processed in accordance with paragraph "e" of this Order. If the person is released after the preliminary arraignment, the police, if requested, shall return the defendant to the community in which he was arrested.

e. When an issuing authority issues a summons rather than an arrest warrant, the issuing authority shall send the following notice with the summons:

NOTICE—CENTRAL BOOKING ACTION REQUIRED

You must report to the Central Booking Center at the Lehigh County Prison located at 38 North 4th Street, Allentown, PA 18101 for processing at *least* five (5) days prior to your preliminary hearing. You must bring a copy of your summons to the Central Booking Center (CBC). A failure to report to the Central Booking Center in a timely manner will cause your arrest and probable detention.

3. Video Preliminary Arraignment

a. Preliminary arraignments shall employ two-way simultaneous audio-visual communication pursuant to PA.R.Crim.P. 540 (A) and shall be conducted from the CBC.

4. Arrest Warrant and Search Warrant Procedure

a. Advanced Communication technology may be employed when the issuance of an arrest warrant, in accordance to PA.R.Crim.P. 513 (A), or search warrant, in accordance to PA.R.Crim. 203 (A), is requested.

5. Protection From Abuse—Emergency Relief

a. Proceedings for emergency relief by the minor judiciary pursuant to the Protection From Abuse Act may be conducted at the CBC utilizing simultaneous two-way audio-visual communication.

6. Procedures for Coordination between the District Courts and the CBC

a. see attached

7. Scheduling of Magisterial District Judges for Night Court and On-call Assignments

a. The Magisterial District Judge Administrator has the responsibility of developing the annual calendar for the Night Court, On-Call and Holiday coverage assignments. This calendar will continue to be prepared on an annual basis. The current calendar dated October 30, 2006 and effective January 1, 2007 through December 31, 2007, will remain in effect as related to, but not limited to, the issues of the schedule, jurisdiction and venue unless amended by the President Judge.

ALAN M. BLACK,
President Judge

MDJ Video Conferencing Procedures

After Regular Office Hours—Scheduled Night Court

The assigned Magisterial District Judge (MDJ) will be on call from the close of business till 8 p.m., and then in his/her office from 8 PM to 1 AM Monday through Friday, then on call from 1 AM to 8 AM for emergencies only.

The MDJ that is assigned to Central Court, Monday thru Friday, will first go to his/her office at 7:30 AM to process any arraignments that were held overnight after night court. Upon completion of the arraignments the MDJ will then proceed to Central Court.

1. Upon arrival at the Central Booking Center (CBC) and after the police officer and/or CBC officer has completed the preparation of all paperwork, including Livescan and CPIN, the CBC will contact the MDJ's office who is scheduled for Night Court.

2. The signed complaint and other appropriate paperwork will be faxed to the MDJ for his review and approval.

3. The CBC officer will have the defendant prepared to be on the video arraignment system.

4. The MDJ will start the video conferencing software.

5. The complaint is signed, sealed and given an OTN number when appropriate and faxes the complaint back to the affiant at the CBC.

6. The MDJ completes all requirements under Rule 540—Preliminary Arraignment.

7. The MDJ faxes a copy of the preliminary hearing notice to the CBC for the defendant.

8. The MDJ establishes bail.

9. If the defendant is committed the MDJ signs and seals the commitment and bail papers and faxes the paperwork to the CBC. The CBC makes a copy for the defendants and provides a copy to the defendant.

10. If the defendant is released on unsecured bail the MDJ signs the bail paperwork and faxes it to the CBC.

11. The CBC obtains the defendant's signature on the paperwork, makes a copy for the defendant.

12. The CBC returns all paperwork (hand delivered) to the Central Court office the morning of the next business day.

13. Central Court staff retains the paperwork for incarcerated defendants and returns, via mail, the paperwork to the Proper District Court for defendants released on unsecured bail.

Search Warrants

1. The police officer who prepared the affidavit signs and dates the paperwork either in person or on video in view of the MDJ.

2. The police officer faxes the affidavit to the MDJ.

3. MDJ reviews the affidavit and administers the oath to the police officer.

4. MDJ (if approved) signs, dates and seals the search warrant and faxes it back to the police officer.

Protection from Abuse (PFA) Emergency Orders

CBC obtains the name and phone number of the petitioner. Notifies the MDJ who will contact the petitioner and arrange for issuance of the PFA either at his or her own office or the CBC.

If performed at the CBC:

1. MDJ (if granted) completes the Petition for Emergency Relief and faxes it to the CBC officer.

2. Petitioner signs petition, and petition faxed back to MDJ.

3. MDJ signs, dates, and seals petition and faxes back to the CBC officer.

4. CBC officer makes a copy for the petitioner.

5. CBC officer makes a copy to serve on Defendant and faxes to the appropriate Police Department for service on Defendant.

Constables

All after hours constable work is to be taken to the scheduled Night Court MDJ's office during Night Court hours.

Operations on Weekends & Holidays

The assigned District Judge will call in to the CBC at approximately 8-9 AM, 4-5 PM and 10—11 PM to ascertain the status of arraignments. CBC will advise the MDJ

of the arraignments required and fax the appropriate paperwork to the MDJ's office. The MDJ will inform Central Booking if there is a need to interview any of the defendants prior to arraignment, and then conduct any interviews necessary. MDJ will then process the proper paperwork, proceed with the video arraignment and fax the appropriate paperwork to CBC. The MDJ will remain at his or her office till all pending arraignments are complete.

[Pa.B. Doc. No. 07-1896. Filed for public inspection October 19, 2007, 9:00 a.m.]

SCHUYLKILL COUNTY

Amended/Adopted Civil Rules of Procedure; No. S-2393 2007

Order of Court

And Now, this 3rd day of October, 2007 at 3:00 p.m., the Court hereby amends Schuylkill County Civil Rule of Procedure No. 1303(d) and adopts Schuylkill County Civil Rule of Procedure No. 252. The rules are amended/adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a CD-ROM reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rules with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rules as they existed prior to the amendment are hereby repealed and annulled on the effective date of said rules as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

SCHUYLKILL COUNTY CIVIL RULE OF PROCEDURE

RULE 1303—Hearing, Notice and Continuances

(d) At the time the moving party files an arbitration certificate of readiness specified in subsection (b), above, the moving party shall also file a Pre-Arbitration Memorandum which sets forth: (1) a narrative statement of the facts which will be offered into evidence by that party; (2)

a statement of legal theory upon which the cause of action or defense is predicated; (3) a complete list of witnesses to be called and the anticipated areas of each witness's testimony; (4) a complete list of exhibits to be presented; (5) a statement setting forth an itemized list of the damages that a party intends to claim and prove; (6) a rough sketch illustrating the incident giving rise to the cause of action (where appropriate); and (7) a statement of any unusual or intricate legal issues or claims together with a citation of legal authorities relied upon.

The non-moving party shall file its Pre-Arbitration Memorandum within twenty (20) days of receipt of the moving party's Memorandum. The non-moving party's Pre-Arbitration Memorandum shall contain the same seven topics as the moving party's Memorandum.

THE FAILURE OF THE MOVING PARTY TO FILE ITS PRE-ARBITRATION MEMORANDUM AT THE TIME AN ARBITRATION CERTIFICATE OF READINESS IS FILED SHALL RENDER THE CERTIFICATE OF READINESS A NULLITY. THE FAILURE OF THE NON-MOVING PARTY TO FILE ITS PRE-ARBITRATION MEMORANDUM MAY RESULT, AT THE DISCRETION OF THE ARBITRATION PANEL, IN THE EXCLUSION OF SOME OR ALL OF THE NON-MOVING PARTY'S EVIDENCE AT THE TIME OF THE ARBITRATION HEARING, TO THE EXTENT THAT THE MOVING PARTY CAN DEMONSTRATE PREJUDICE.

RULE 252—Requirements for Indexing an Action as a Lis Pendens

When a praecipe for a writ of summons, a complaint or a counterclaim is filed, the prothonotary shall index the action as a lis pendens against real property if, but only if, the party filing the praecipe, the complaint or the counterclaim, or his attorney:

- (1) files a separate praecipe describing real property by metes and bounds or a sufficient description to identify it, and the volume and page in the Recorder of Deeds Office of this county where recorded description of said property appears;
- (2) directs in said separate praecipe that the action shall be listed on a lis pendens against said real property; and
- (3) files with said separate praecipe a certification that said action;
 - (A) is a proceeding to revive and continue the lien of debts against a decedent's property, or
 - (B) is a proceeding conveying or vesting title to real property in this Commonwealth; or
 - (C) is a proceeding of which purchasers of the described real property should have constructive notice; and
- (4) Files with said separate praecipe a written verified statement, as verified is defined in Pa.R.C.P. 76, setting forth the basis and subject matter of the cause of action and that said action affects the title to the real property so described or of any interest in said real property.

[Pa.B. Doc. No. 07-1897. Filed for public inspection October 19, 2007, 9:00 a.m.]