

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Proposed Amendments to the Rules of Disciplinary Enforcement to Require Certain Attorneys Who Become Debtors in Bankruptcy to Provide Written Notice of the Bankruptcy Filing; Correction

An error occurred in the notice of proposed rulemaking published at 50 Pa.B. 5975 (October 31, 2020). An incorrect fax number was published. The fax number is corrected as follows. The remainder of the notice of proposed rulemaking was accurate as published.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Executive Office, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3381), Email address Dboard.comments@pacourts.us on or before December 4, 2020.

[Pa.B. Doc. No. 20-1531. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 9]

Order Amending Rules 904 and 907 of the Pennsylvania Rules of Appellate Procedure; No. 291 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 22nd day of October, 2020, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 49 Pa.B. 2712 (June 1, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 904 and 907 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2021.

Annex A

TITLE 210. APPELLATE PROCEDURE PART I. RULES OF APPELLATE PROCEDURE 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:

COURT OF COMMON PLEAS
OF _____ COUNTY

[A.B.] Party A's full name, Plaintiff:

v.

[C.D.] Party B's full name, Defendant:

Docket or File No. _____

Offense Tracking Number _____

NOTICE OF APPEAL

Notice is hereby given that [C.D.] _____, defendant above named, hereby appeals to the (Supreme) (Superior) (Commonwealth) Court of Pennsylvania from the order entered in this matter on the _____ day of _____ 20 _____. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

(S) _____

(Address and telephone number)

(b) *Caption.*

(1) *General rule.*—The parties shall be stated in the caption as they [**stood upon**] **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 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.

Official Note: 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. 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.

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

With respect to paragraph (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 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.

Rule 907. Docketing of Appeal.

(a) *Docketing of appeal.*—Upon the receipt of the papers specified in Pa.R.A.P. 905(b) (transmission to appellate court), the prothonotary of the appellate court shall immediately enter the appeal upon the docket, note the appellate docket number upon the notice of appeal, and give written notice of the docket number assignment in person or by first class mail to the clerk of the trial court, to the appellant, and to the persons named in the proof of service accompanying the notice of appeal. **[An appeal shall be docketed under the caption given to the matter in the trial court, with the appellant identified as such, but if such caption does not contain the name of the appellant, appellant's name, identified as appellant, shall be added to the caption in the appellate court.] Unless an appellate court exercises its discretion, upon application of a party and for cause shown, to use the initials of the parties in an appeal of a custody action, the prothonotary of the appellate court shall docket an appeal under the caption given to the matter in the trial court. The appellant shall be identified in the caption. If the appellant is not identified in the caption of the trial court, the appellant's name shall be added to the caption in the appellate court.**

(b) *Entry of appearance.*—Upon the docketing of the appeal the prothonotary of the appellate court shall note on the record: as counsel for the appellant, the name of counsel, if any, set forth in or endorsed upon the notice of appeal[,]; counsel of record[,]; and any counsel named in the proof of service. The prothonotary of the appellate court shall upon *praecipe* of counsel filed within 30 days after the docketing of the notice of appeal correct the

record of appearances. Also within 30 days after the docketing of the notice of appeal, counsel for a party may strike off his or her appearance by *praecipe*, unless that party is entitled by law to be represented by counsel on appeal. Thereafter, and at any time if a party is entitled by law to be represented by counsel on appeal, a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note: Paragraph (a).—The transmission of a photocopy of the notice of appeal, showing a stamped notation of filing and the appellate docket number assignment, without a letter of transmittal or other formalities, will constitute full compliance with the notice requirement of paragraph (a) of this rule.

A party may be entitled to the representation by counsel on appeal by constitution, statute, rule, and case law. For example, the Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by *praecipe*, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by *praecipe* is available only in matters that do not otherwise require court permission to withdraw.

If a party is entitled to representation on appeal, the appellate court will presume that counsel who represented the party in the trial court will also represent the party on appeal, and counsel will be entered on the appellate court docket. In order to withdraw in such cases, either (1) new counsel must enter an appearance in the appellate court prior to or at the time of withdrawal; (2) counsel must provide the appellate court with an order of the trial court authorizing withdrawal; or (3) counsel must petition the appellate court to withdraw as counsel. Counsel for parties entitled to representation on appeal are cautioned that if any critical filing in the appellate process is omitted because of an omission by counsel, and if the party ordinarily would lose appeal rights because of that omission, counsel may be subject to discipline.

When an appeal is filed in a custody action, upon application of a party and for cause shown the appellate court may make a determination that using the parties' initials in the caption is appropriate after considering the sensitive nature of the facts included in the case record and the child's best interest. See Pa.R.A.P. 904(b)(2).

Paragraph (b).—With respect to appearances by new counsel following the initial docketing appearances **[pursuant to paragraph (b) of this rule]**, please note the requirements of Pa.R.A.P. 120.

[Pa.B. Doc. No. 20-1532. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1915 AND 1930]

Order Amending Rules 1915.10 and 1930.1 of the Pennsylvania Rules of Civil Procedure; No. 710 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 22nd day of October, 2020, upon the recommendation of the Domestic Relations Procedural Rules Committee, the proposal having been published for public comment in the Pennsylvania Bulletin, 49 Pa.B. 2714 (June 1, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1915.10 and 1930.1 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on January 1, 2021.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.10. Decision. Order.

* * * * *

(b) The court shall enter a custody order as a separate written order or in a separate section of a written opinion.

(1) The court's order shall state sufficiently specific terms to enforce the order.

(2) If the court has made a finding that a party or child is at risk of harm, the court's order shall include safety provisions for the endangered party's or child's protection.

(3) The court may order that the case caption use the parties' initials rather than the parties' names

In the Court of Common Pleas of _____ County, Pennsylvania.

[A. Litigant] Party A's full name,

Plaintiff

vs.

[B. Litigant] Party B's full name,

Defendant

(Title of Pleading)

based on the sensitive nature of the facts in the case record and the child's best interest.

Official Note: See Pa.R.C.P. No. 1930.1(a).

(4) When drafting a written opinion or order in an action having the parties' initials in the case caption, the court shall:

(i) avoid using specific identifiers for people, places, or things that may indirectly reveal the child's identity; and

(ii) use generalized identifiers when describing a child's school, activities, affiliated organizations, or other similar terms.

(c) A custody order shall include a notice outlining the parties' obligations under 23 Pa.C.S. § 5337, regarding a party's intention to relocate with a minor child.

* * * * *

Explanatory Comment—2021

Subdivision (b)(3) allows the court discretion to initialize a custody action's case caption when the child's privacy may be compromised by the sensitive nature of the facts in the case record. When the court determines that the case caption should be initialized, additional privacy safeguards are required under subdivision (b)(4).

Subdivision (b)(4) recognizes that inadvertent disclosure of the child's identity and privacy may occur if the written custody order or opinion provides specific details of the child's life (i.e., school, extracurricular activities). Subdivision (b)(4) requires that the court refrain from using specific identifiers; instead, the court should use general terms (i.e., high school, not John F. Kennedy High School). In circumstances in which name specificity is required, such as school choice, the court should consider a separate order for that issue.

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.1. Form of Caption. Confidential Information and Confidential Documents. Certification.

(a) Form of Caption.

(1) Except as set forth in subdivision (2), the caption in a domestic relations matter shall include the parties' full names. The form of the caption [in all domestic relations matters] shall be substantially in the following form:

than the parties' names based on the sensitive nature of the facts in the case record and the child's best interest.

Official Note: See Pa.R.C.P. No. 1915.10(b)(3).

(b) Unless public access is otherwise constrained by applicable authority, any attorney, or any party if

unrepresented, who files a document pursuant to these rules with the prothonotary's office shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) including a certification of compliance with the Policy and, as necessary, a Confidential Information Form, unless otherwise specified by rule or order of court, or a Confidential Document Form in accordance with the Policy.

* * * * *

Explanatory Comment—2021

Subdivision (a)(1) requires that the parties' full names are used in a domestic relations case caption unless the court determines it necessary to protect the child's identity by initializing the case caption in a custody action based on sensitive facts in the case and the child's best interest. Generally, a child custody case does not include sensitive information or egregious facts that would cause embarrassment to a child and necessitate exceptional privacy measures; however, in the unusual circumstance that a custody action has egregious facts that may cause an issue for the child, the trial court would have the discretion to initialize the caption in order to maintain the child's privacy interests.

Subdivision (a)(2) provides the exception to the general rule in subdivision (a)(1) for a custody action in which the court deems that the child could be adversely affected by the sensitive nature of the facts in the record. In a custody case in which the trial court determines the child's best interest requires an initialized caption, Pa.R.C.P. No. 1915-10(b)(4) requires that additional privacy safeguards are in the written custody order or opinion entered by the court.

The rule's requirement that a case caption use the parties' full names does not alter a party's or an attorney's responsibilities under the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania and subdivision (b).

[Pa.B. Doc. No. 20-1533. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CLINTON COUNTY

Local Rules; No. 29 January Term 1976

Order

And Now, this 22nd day of October, 2020, *It Is Hereby Ordered* as follows:

1. Current Local Rule No. 205.2(b) is *Rescinded*.
2. The following Local Rule 205.2(b) is *Adopted* by this Court and shall be effective thirty (30) days after being published in the *Pennsylvania Bulletin*.
3. The Clinton County Judicial Law Clerk is Ordered and Directed to:
 - (a) Distribute this Order and the following Local Rules to the Legislative Reference Bureau for publication in the

Pennsylvania Bulletin by emailing a copy of this Order to bulletin@palrb.us and sending two (2) certified copies to:

Legislative Reference Bureau
Pa. Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120-0033

(b) Cause to be removed from this Court's website Local Rule No. 205.2(b) and replace said Local Rule on this Court's website with the following Local Rule within thirty (30) days after the publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Rule 205.2(b). Motion Cover Sheet.

The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court, except a motion for a continuance.

(A) A cover sheet substantially in the form set forth in subsection (G) of this section shall be attached to the front of every request for a court order to which this rule applies. Any request for relief on the front of which an applicable Pennsylvania Rule of Civil Procedure requires a specific order or notice to be attached shall include that order or notice directly following the cover sheet.

(B) The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.

(C) If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.

(D) If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration must be requested if the date of the pretrial conference has been set or if the case has already been pretried.

(E) A proposed order granting the relief requested shall be attached to the cover sheet.

(F) The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The Prothonotary shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.

(G) The form of the cover sheet shall be substantially as follows:

COURT OF COMMON PLEAS, CLINTON COUNTY, PENNSYLVANIA
MOTION COVER SHEET

CAPTION (may be abbreviated)

DOCKET NO. _____

Vs.

Case Assigned to Judge _____

___ NONE

- 1. NAME OF FILING PARTY:
2. FILING PARTY'S ATTORNEY:
3. TYPE OF FILING:

4. THE FOLLOWING IS/ARE REQUESTED:
[] Argument
[] Evidentiary Hearing
[] Court Conference
[] Rule to Show Cause
[] Issue an Appropriate Order
[] Entry of Uncontested Order (attach supporting documentation)
[] Expedited Consideration. State the Basis:
[] Telephone Conferencing Requested. (Telephone number shall be provided to court administrator prior to hearing.)
[] Video Conferencing Requested.
[] Attach this Cover Sheet to the Original Motion Previously Filed on:
[] Other:
5. Agreement of Opposing Party Sought? Yes/No
If yes, was it granted or denied?
6. TIME REQUIRED:
7. DATE OF NEXT SCHEDULED PROCEEDING [] None
8. NAMES AND ADDRESSES OF ALL COUNSEL OF RECORD AND UNREPRESENTED PARTIES:
[] Continued on Separate Sheet.

ORDER

- 1. ___ An ___Argument ___Factual Hearing ___Court Conference is scheduled for _____ at _____M. in Courtroom No. _____, Clinton County Courthouse, Lock Haven, PA.
2. ___ Briefs are to be filed by the following dates:
Filing Party _____
Responding Party/Parties _____
3. ___ A Rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.
4. ___ A Response to the Motion/Petition shall be filed as follows: _____
5. ___ See Order Attached. ___ See Separate Order Issued This Date.
6. ___ Other: _____

DATE: _____

JUDGE

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6" ABOVE.

[Pa.B. Doc. No. 20-1534. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rules; No. 29 January Term 1976

Order

And Now, this 14th day of October, 2020, *It Is Hereby Ordered* as follows:

1. The following Local Rule of Criminal Procedure No. 319 is *Adopted* by this Court and shall be effective thirty (30) days after being published in the *Pennsylvania Bulletin*.

2. The Clinton County Judicial Law Clerk is *Ordered and Directed* to:

(a) Distribute this Order and the following Local Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* by emailing a copy of this Order to bulletin@palrb.us and sending two (2) certified copies to:

Legislative Reference Bureau
Pa. Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120-0033

(b) Cause to be removed from this Court's website Local Rule No. 319 and replace said Local Rule on this Court's website with the following Local Rule within thirty (30) days after the publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Criminal Local Rule No. 319.

Upon a defendant satisfying all obligations of the Accelerated Rehabilitative Diversionary (ARD) Program, the Adult Probation Office shall forward a memo to the attorney for the Commonwealth which shall have attached a proposed Order of Court that would dismiss the charges and expunge the record of the defendant. A copy

of the memo and proposed Order shall also be forwarded to the attorney for the defendant, or if unrepresented, the defendant. The memo shall have a section for the attorney for the Commonwealth to indicate whether the attorney for the Commonwealth objects or does not object to the entry of said Order, along with a signature line for the attorney for the Commonwealth.

The Office of the attorney for the Commonwealth shall then forward the proposed Order with all attachments to the Judge who presided over the matter. If the attorney for the Commonwealth does not indicate an objection, the Court shall execute the Order and forward said Order to the Office of the Clerk of Courts to be filed.

If the attorney for the Commonwealth indicates an objection, the Court may schedule a hearing to review the matter or take any other necessary action.

[Pa.B. Doc. No. 20-1535. Filed for public inspection November 6, 2020, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Weldon Stephen Caldbeck (# 32027), having been disbarred in Colorado, the Supreme Court of Pennsylvania issued an Order on October 28, 2020, disbaring Weldon Stephen Caldbeck from the Bar of this Commonwealth, effective November 27, 2020. 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. 20-1536. Filed for public inspection November 6, 2020, 9:00 a.m.]

SUPREME COURT

Modification of the Magisterial Districts within the 10th Judicial District of the Commonwealth of Pennsylvania; No. 448 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 22nd day of October, 2020, upon consideration of the Request of the President Judge of the Tenth Judicial District (Westmoreland County) to eliminate Magisterial District 10-3-11 and reconfigure Magisterial Districts 10-2-08 and 10-3-10 of the Tenth Judicial District (Westmoreland County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective January 8, 2021.

Said Magisterial Districts shall be as follows:

Magisterial District 10-2-08 Magisterial District Judge Michael R. Mahady	Latrobe Borough Unity Township Youngstown Borough Mt. Pleasant Township (Voting Districts Ridgeview, Mammoth, United, Westmoreland, and Homestead)
--	---

<p>Magisterial District 10-3-10 Magisterial District Judge Charles D. Moore</p>	<p>Hunker Borough Mt. Pleasant Borough New Stanton Borough Scottsdale Borough East Huntingdon Township Hempfield Township (Voting District New Stanton) Mt. Pleasant Township (Voting Districts Bridgeport, Duncan, Hecla, Laurel, Pleasant Valley and Spring Garden) South Huntingdon Township (Voting Districts Hixson, Jacobs Creek, Mineral, Port Royal, South Huntingdon, Wyano, and Yukon)</p>
---	--

[Pa.B. Doc. No. 20-1537. Filed for public inspection November 6, 2020, 9:00 a.m.]

—