

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

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CHAPTER 3. INITIATION OF FORMAL CHARGES

Rule	
301.	Initiating Formal Charges; Conference Judge; Scheduling.
302.	Contents of Board Complaint.
303.	Amendments to Pleadings; Consolidation; Withdrawal.

Source

The provisions of this Chapter 3 adopted November 16, 1994, effective January 1, 1995, 24 Pa.B. 5835; amended April 12, 1996, effective April 13, 1996, 26 Pa.B. 1677, unless otherwise noted. Immediately preceding text appears at serial pages (192889) to (192890).

Rule 301. Initiating Formal Charges; Conference Judge; Scheduling.

(A) *Board Complaint.* Proceedings in the Court shall be commenced by the filing of a Board Complaint with the Clerk and concurrent service of the Board Complaint on the Judicial Officer.

(B) *Appointment of Conference Judge.* Within 10 days after a Board Complaint is filed pursuant to paragraph (A), the President Judge shall appoint a member of the Court to serve as Conference Judge on the case as provided in these rules.

(C) *Duties of Conference Judge Following the Filing of Formal Complaint.* In addition to the other duties of Conference Judge set forth in these rules, the Conference Judge shall:

- (1) dispose of all pre-trial motions;
- (2) schedule and conduct a pre-trial conference, in accordance with C.J.D.R.P. No. 421; and
- (3) upon disposition of all pre-trial matters, certify to the President Judge notice that the matter is ready for trial.

(D) The Clerk shall serve certified copies of orders scheduling pre-trial conferences and trials to the Board and the Judicial Officer.

Source

The provisions of this Rule 301 adopted March 16, 1994, effective March 16, 1994; amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995; amended April 4, 1997, effective immediately, 27 Pa.B. 1920; amended December 12, 2000, effective immediately, 30 Pa.B. 6542; amended September 6, 2006, effective immediately, 36 Pa.B. 5965. Immediately preceding text appears at serial pages (272373) to (272374).

Rule 302. Contents of Board Complaint.

(A) For each charge against the Judicial Officer, the Board Complaint shall:

- (1) state in plain and specific language the nature of the charge;
- (2) specify the allegations of fact upon which the charge is based.

(B) The Board Complaint shall give notice to the Judicial Officer of the time period within which the Judicial Officer must file an omnibus motion pursuant to Rule 411.

(C) The Board Complaint shall be signed and verified by counsel for the Board.

Source

The provisions of this Rule 302 adopted March 16, 1994, effective March 16, 1994; amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995; amended December 12, 2000, effective immediately, 30 Pa.B. 6542; amended February 1, 2007, effective immediately, 37 Pa.B. 752. Immediately preceding text appears at serial page (322806).

Rule 303. Amendments to Pleadings; Consolidation; Withdrawal.

(A) *Amendments.* Upon motion, the Court or the Conference Judge may permit amendments to a Board Complaint with the written consent of the Judicial Officer or after hearing in open court where the Judicial Officer fails to demonstrate undue prejudice. Any party may file any other amended pleading by consent of the other party or by leave of court. The proposed amended pleadings shall be attached to any motion to amend.

(B) *Consolidation.*

(1) The Conference Judge may, for purposes of trial, upon his or her own motion, after notice to the Board and the Judicial Officer, or upon motion of the Board or the Judicial Officer, consolidate some or all of the charges against an individual Judicial Officer contained in separate Board Complaints filed pursuant to Rule 301(A).

(2) The Conference Judge may, on his or her own motion, and after notice to the Board and the Judicial Officer, consolidate two or more Board Complaints against an individual Judicial Officer for purposes of imposing sanctions pursuant to Rule 504.

(3) In matters pending before the Court which involve a common question of law or fact or which arise from the same transaction or occurrence, a Conference Judge may, for any purpose, upon his or her own motion, after notice to the Board and the Judicial Officers, or upon motion of the Board or a Judicial Officer, order the matters consolidated, and may make orders which avoid unnecessary costs or delay.

(C) *Withdrawal.* Upon motion, a Board Complaint may be withdrawn by the Board with the written consent of the Judicial Officer or after a hearing in open court where the Judicial Officer fails to demonstrate undue prejudice. Such undue prejudice may occur at the time of withdrawal or at the time of possible future refile.

Official Note: This rule is derived from former interim Rule 18.

Source

The provisions of this Rule 303 adopted March 16, 1994; effective March 16, 1994; amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995; amended May 5, 1998, effective immediately, 28 Pa.B. 2283; amended April 12, 2016, effective immediately, 46 Pa.B. 2033. Immediately preceding text appears at serial page (326020).

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