

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendment of Rule 701(a); No. 193; Doc. No. 1

### Order

*Per Curiam:*

And Now, this 29th day of April, 1998, Rule 701(a) of the Pennsylvania Rules of Judicial Administration is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 301(b) is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

##### CHAPTER 7. ASSIGNMENT OF JUDGES

##### ASSIGNMENT AND TRANSFER OF JUDGES

#### Rule 701. Assignment of judges to courts.

(a) *Certification of availability for assignment by former or retired judges.* A former or retired judge who consents to accept assignment on temporary judicial service shall file with the Administrative Office a statement of the period during which he is willing to be assigned to a court, and a certification that he has not, since his last judicial duty, engaged in the practice of law or in any activity incompatible with judicial office and does not intend to engage in the practice of law in the future. In order to be qualified for assignment, such judge shall not have been defeated for re-election and shall have served as a judge (whether or not continuously or on the same court) by election or appointment for an aggregate of at least ten years, except that any duly elected justice or judge, having an aggregate of [ **six** ] **five** years' judicial service **or seniority**, who is required to retire at age seventy, shall be eligible for assignment.

\* \* \* \* \*

[Pa.B. Doc. No. 98-764. Filed for public inspection May 15, 1998, 9:00 a.m.]

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 303]

Amendment to the Rules of Procedure; Doc. No. 1  
JD 94

*Per Curiam*

### Order

And Now, this 5th day of May, 1998, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution

of Pennsylvania, and in accordance with this Court's Order dated March 23, 1998, having adopted a proposed amendment to Rule of Procedure No. 303(B), *It Is Hereby Ordered:*

That Rule of Procedure No. 303(B) shall become effective immediately.

### Annex A

#### TITLE 207. JUDICIAL CONDUCT

##### PART IV. COURT OF JUDICIAL DISCIPLINE

##### ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

##### CHAPTER 3. INITIATION OF FORMAL CHARGES

#### Rule 303. Board Complaints; Amendment and Consolidation.

\* \* \* \* \*

##### (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.

[Pa.B. Doc. No. 98-765. Filed for public inspection May 15, 1998, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DELAWARE COUNTY

The Prison Alternative Drug and Alcohol Program (PADAP); Misc. Doc. No. A-41-31-1990

### Order

And Now, this 27th day of April, 1998, it is hereby *Ordered and Decried* as follows:

1. The Prison Alternative Drug & Alcohol Program (PADAP) is hereby adopted as an alternative sentencing program. The intent of the program is to provide an intensive supervision and treatment alternative to pre-trial detention and prison sentences for a carefully selected number of felony defendants with substance dependency problems.

2. PADAP shall be immediately implemented and supervised by the Honorable George Koudelis and shall be enforced according to the guidelines that follow as Exhibit A.

*By the Court*

A. LEO SERENI,  
*President Judge*

### **Exhibit A**

#### **Delaware County Court of Common Pleas**

#### **Criminal Division**

#### **Restrictive Intermediate Punishment Sentencing**

#### **THE PRISON ALTERNATIVE DRUG & ALCOHOL PROGRAM [PADAP]**

#### **Program Description and Policies and Procedures**

#### **All policies and procedures subject to revision—March 1998**

#### **What is PADAP?**

- The Prison Alternative Drug and Alcohol Program [PADAP] is a state-funded project initiated by the Delaware County Court of Common Pleas. It provides an intensive supervision and treatment alternative to pretrial detention and prison sentences for a carefully selected number of felony defendants with substance dependency problems.

#### **Who qualifies?**

PADAP is aimed at defendants:

- Who are level 3 or 4 defendants under the State's Sentencing Guideline laws [SGL3/4.]
- Whose current involvement with the criminal justice system is significantly related to a drug or alcohol problem that is severe enough to warrant intervention at a level of care ranging from intensive outpatient to residential treatment.
- Whose participation is not precluded under the Commonwealth's mandatory sentencing laws.
- Whose participation is not precluded under additional offense and prior record criteria established by the District Attorney.

#### **Why participate?**

- Defendants are assured the commitment of the program's Case Planners, Case Managers, Day Reporting staff, and other Probation personnel, to assist them to identify and access the best available drug-treatment and other services and resources that will help them succeed in the program and avoid re-involvement with the criminal justice system in the future.
- Unless the defendant participates in PADAP, a SGL3/4 designation means that the seriousness of the current charge(s) and/or prior criminal history establishes a presumption in favor of a sentence to County or State Prison. Consequently, defendants who qualify and successfully complete the program are given an opportunity to avoid extended periods of pretrial and/or post-conviction imprisonment.

#### **What is required of participants?**

- Defendants must first consult with defense counsel for information about the program, and sign a consent form, with advice of counsel, waiving Common Pleas Arraignment and declaring their interest and willingness to participate in the program.

- Defendants must complete a comprehensive D&A Assessment Interview conducted by a member of the project staff to determine preliminary program suitability and a level of treatment recommendation that is appropriate to deal with any D&A problems identified.

- Defendants found eligible after D&A Assessment, and who are not being detained pretrial at the County Prison, must begin attendance immediately and comply fully with all requirements the designated treatment facility and PADAP Case Manager.

- Defendants who are in pretrial detention in the Delaware County Prison at the time of the D&A Assessment may only be released to begin treatment if they meet criteria and accept conditions for Conditional Release set by the Court's Pretrial Services Unit and the District Attorney's Office. Conditions include pretrial supervision by a PADAP Day Reporting Center officer, accompanied in some cases by curfew and electronic home-monitoring or residing at a half-way house or work-release facility in lieu of prison for all or part of the pretrial period.

- Detained defendants who do not meet the Pretrial Services criteria for release begin treatment immediately upon their ability to post bail or upon full admission to PADAP following plea and sentencing.

- For defendants whose treatment needs are assessed at an Intensive Outpatient/Partial Hospitalization level, treatment involves an initial 8–10 week regimen of individual, group, and family counseling at the Mirmont Treatment Center in Lima. Mirmont sessions are typically held 3 mornings or early evenings per week and less often on Saturdays for family counseling.

- Defendants successfully completing IOP are phased into a lower level of care and ongoing case-management and criminal justice supervision. During this time they must adhere to any further treatment requirements, such as a short term of less intensive outpatient and aftercare counseling and/or ongoing involvement in a 12-step or other AA/NA community-based program.

- For defendants assessed at a residential care level, initial placement is in one of a number of facilities best suited to the defendant's particular treatment needs and personal circumstances. Residential stays typically are in the 1–4 month range, with extensions possible if needed. Successful completion is followed by release to one or more of the non-residential treatment levels outlined above.

- Defendants must cooperate fully with the PADAP Case Manager assigned in each case to provide any services that might assist the defendant for the duration of the pretrial and post-sentence treatment process.

- Defendants must cooperate fully with the PADAP Case Planner assigned in each case to work with the defendant pretrial, to develop a comprehensive case analysis and disposition plan to be submitted to the defense attorney for review. Subject to defense attorney approval, the plan will form the basis for any subsequent plea and sentencing negotiations with the prosecutor.

- Once negotiations are concluded, results are presented to a specially designated PADAP Trial Court Judge at the time of pretrial conference on the case. Approval of the plan and sentence to enter/continue treatment by the Court marks full acceptance into the Program.

- Following sentencing, defendants must comply fully with all conditions of the Court's order, including attendance/continuation at the designated treatment fa-

cility, supervision by the PADAP Case Manager and the Adult Probation Department's Day Reporting Center.

**Program Termination**

- Defendants participating successfully in the program are released from the system after proceeding through a 3-year Restrictive Intermediate Punishment sentence of gradually decreasing levels of intensity of treatment [such as residential to outpatient] and supervision [such as Day-Reporting Center followed by periods of intensive and regular probation]. All major conditions of program participation are spelled out at the time of sentencing.

- Defendants who are re-arrested for a new offense or are found to be in breach of program conditions may be terminated from the program. Unsuccessful terminations during the pretrial phase are referred back to the defense attorney for normal processing on the original charges. Post-sentence failures are returned to the PADAP Trial Judge for hearing and re-sentencing.

**Delaware County Court of Common Pleas**

**Criminal Division**

**PRISON ALTERNATIVE DRUG & ALCOHOL PROGRAM**

**[PADAP]**

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**ERIE COUNTY**

**Revision and Restatement of the Rules of Civil Procedure; No. 90518 Court Order 1998**

**Order**

And Now, this 24th day of April 1998, the following revisions and additions to the Rules designated as the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania, are hereby approved, adopted and promulgated as the Rules of Court. These Rule changes, revisions and deletions shall become effective thirty days after publication of the same in the *Pennsylvania Bulletin*, and they shall apply to all actions pending at the time.

JOHN A. BOZZA,  
*President Judge*

**Rule 1920.55. Master's Report, Notice, Exceptions, Final Decree.**

(a) In the event exceptions are not timely filed by either party, the party who sought the appointment of a master shall praecipe the Court for the entry of a final order.

(b) Where the parties stipulate on the record that additional documentary evidence shall be submitted to the hearing(s), the Master shall file the report and recommendation within thirty (30) days of receipt of the evidence or in accordance with Pa.R.C.P. 1920.53(a)(1), whichever date is later.

(c) Exceptions shall be served on the opposing party or their counsel of record.

(1) Within ten (10) days of filing the exceptions, the moving party shall file their request for argument before the family division motions judge. Both parties shall file their briefs no later than ten (10) days prior to the scheduled argument. Copies of exceptions and briefs shall be provided to all counsel or record (or to a party directly if unrepresented by counsel) the Master and to the Judge.

**Rule 1029.74. Motion for Appointment of Master.**

**MOTION AND PROPOSED ORDER FOR APPOINTMENT OF MASTER**

\_\_\_\_\_ (Plaintiff)(Defendant), moves the court to appoint a master with respect to the following claims:

- |   |  |
|---|--|
| <input type="checkbox"/> Divorce                  | <input type="checkbox"/> Counsel Fees                                    |
| <input type="checkbox"/> Annulment                | <input type="checkbox"/> Costs & Expenses                                |
| <input type="checkbox"/> Alimony                  | <input type="checkbox"/> Support (attach a copy of affidavit required by |
| <input type="checkbox"/> Alimony Pendente Lite    | Local Rule 1920.51(h))   |
| <input type="checkbox"/> Distribution of Property |  |

Name, address, and telephone number of opposing counsel or party is:

1. Discovery is complete as to the claim(s) for which the appointment of a master is requested.

- (a) Plaintiff's Inventory Filed: \_\_\_\_\_
- (b) Defendant's Inventory Filed: \_\_\_\_\_
- (c) Plaintiff's Income & Expense Statement Filed: \_\_\_\_\_
- (d) Defendant's Income & Expense State Filed: \_\_\_\_\_

If no Income and Expense statement has been filed, a copy of the Court Order allowing appointment of a Master must accompany this Motion.

2. The Statutory ground(s) for divorce (is)(are) \_\_\_\_\_

3. Delete the inapplicable paragraph(s):

(a) The action is not contested.

(b) An agreement has been reached with respect to the following claims: \_\_\_\_\_

(c) The action is contested with respect to the following claims: \_\_\_\_\_

4. The action (involves)(does not involve) complex issues of law or fact.

5. The hearing is expected to take \_\_\_\_\_ (hours)(days).

6. Additional information, if any, relevant to the motion: \_\_\_\_\_

As the moving party or attorney for the moving party, I certify that all parties have complied with the requirements of Pa.R.C.P. 1920.22 (discovery), 1920.31 (Filing of Income & Expense Statement), 1920.33 (Filing of Inventory), and 1920.46 (Vital Statistics Information).

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature of moving counsel or party  
Type Name, Address, and Phone

( ) \_\_\_\_\_

**Rule 1920.75. Form of Inventory.**

(a) The Inventory required by Rule 1920.33(a) shall be substantially in the following form:

(CAPTION)

INVENTORY OF

(Plaintiff)(Defendant) files the following inventory of all property owned or possessed by either party at the time this action was commenced and all property transferred within the preceding three years.

(Plaintiff)(Defendant) verifies that the statements made in this inventory are true and correct. (Plaintiff)(Defendant) understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
(Plaintiff)(Defendant)

**ASSETS OF PARTIES**

(Plaintiff)(Defendant) marks on the list below those items applicable to the case at bar and itemizes the assets on the following pages.

- ( ) 1. Real Property
- ( ) 2. Motor Vehicles
- ( ) 3. Stocks, bonds, securities, and options.

- ( ) 4. Certificates of deposit
- ( ) 5. Checking accounts, cash
- ( ) 6. Savings accounts, money market and savings certificates
- ( ) 7. Contents of safe deposit boxes
- ( ) 8. Trusts
- ( ) 9. Life insurance policies (indicate face value, cash surrender value and current beneficiaries)
- ( ) 10. Annuities
- ( ) 11. Gifts
- ( ) 12. Inheritances
- ( ) 13. Patents, copyrights, inventions, royalties
- ( ) 14. Personal property outside the home
- ( ) 15. Business (list all owners, including percentage of ownership, and office/director positions held by a party with company)
- ( ) 16. Employment termination benefits—severance pay, workers compensation claim/award
- ( ) 17. Profit sharing plans
- ( ) 18. Pension plans (indicate employee contribution and date plan vests)
- ( ) 19. Retirement plans, Individual Retirement Accounts
- ( ) 20. Disability payments
- ( ) 21. Litigation claims (matured and unmatured)
- ( ) 22. Military/V. A. benefits
- ( ) 23. Education benefits
- ( ) 24. Debts due, including loans, mortgages held
- ( ) 25. Household furnishings and personalty (include as a total category and attach itemized list if distribution of such assets is in dispute)
- ( ) 26. Other

**MARITAL PROPERTY**

(Plaintiff)(Defendant) lists all marital property in which either or both spouses have a legal or equitable interest individually or with any other person as of the date this action was commenced:

Item Number	Description of Property	Names of All Owners

**NON-MARITAL PROPERTY**

(Plaintiff)(Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

Item Number	Description of Property	Reasons for Exclusion

**PROPERTY TRANSFERRED**

Item Number	Description of Property	Names of All Creditors	Names of All Debtors

**LIABILITIES**

Item Number	Description of Property	Names of All Creditors	Names of All Debtors

[Pa.B. Doc. No. 98-767. Filed for public inspection May 15, 1998, 9:00 a.m.]