

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CHS. 1 AND 3]

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

Per Curiam

Order

And Now, this 24th day of October, 2000, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted a proposed amendment to Rules of Procedure 102, 110, 301 and 302, as more specifically hereinafter set forth, *It Is Hereby Ordered That:*

Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

Interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

* * * * *

Petition for Relief is a document filed pursuant to these Rules to initiate proceedings other than formal charges in the Court.

Preliminary Conference Judge is a member of the Court appointed by the President Judge when deemed appropriate to convene and preside at a preliminary conference.

* * * * *

Rule 110. Entry of Appearance.

* * * * *

(B) The entry of appearance shall include counsel's name, address, phone number, and Pennsylvania Supreme Court Identification Number. Admission Pro Hoc Vice shall be in accordance with the Pennsylvania Bar Admission Rules.

Official Note: Counsel should file an entry of appearance within 15 days of service of the Board Complaint or a Preliminary Conference Judge will be appointed in accordance with Rule 301(B).

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 3. INITIATION OF FORMAL CHARGES

Rule 301. Initiating Formal Charges; **Preliminary Conference Judge**; 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 Preliminary Conference Judge.* If the Clerk does not receive an entry of appearance for the Judicial Officer within 15 days of service of the Complaint as specified in Rule 302(B), the Clerk shall so notify the President Judge. Within five (5) days of receipt of such notification the President Judge shall appoint a member of the Court to serve as Preliminary Conference Judge.

(C) *Duties of Preliminary Conference Judge.* As soon as practicable after appointment, the Preliminary Conference Judge shall schedule and conduct a preliminary conference at which the Judicial Officer shall be advised of his right to be represented by counsel.

[(B)] (D) * * *

[(C)] (E) * * *

[(D)] (F) * * *

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 contain a notice to the Judicial Officer advising the Judicial Officer to engage an attorney to represent him before the Court in connection with the charges set out in the Board Complaint and directing that the attorney shall file an entry of appearance within 15 days of the service of the Board Complaint. The notice shall be substantially in the following form:

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within 15 days of the service of this Complaint in accordance with C.J.D.R.P. No. 302(B).

(C) If an entry of appearance is not filed within the time specified in paragraph (B), the Clerk shall immediately notify the President Judge.

(D) Within five (5) days of notification by the Clerk as in paragraph (C), the President Judge shall appoint a member of the Court to serve as Preliminary Conference Judge. The Preliminary Conference Judge shall then proceed in accordance with C.J.D.R.P. No. 301(C).

[(B)] (E) * * *

[(C)] (F) * * *

[Pa.B. Doc. No. 00-1901. Filed for public inspection November 3, 2000, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Local Rule L205.4 Electronic Filing of Papers; No. 00-2014

Administrative Order No. 7-2000

And Now, this 17th day of October, 2000, it is hereby *Ordered and Decreed* that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Adopts* Local Rule of Civil Procedure L205.4 governing the Electronic Filing of Papers.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the Carbon County Law Journal.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

JOHN P. LAVELLE,
President Judge

Local Rule L205.4. Electronic Filing of Papers.

(a) Except as otherwise provided by subsection (b) of this rule, parties may file legal papers, including original process, with the Prothonotary by means of electronic filing in any civil action or proceeding at law or in equity brought in or appealed to the court.

Note

A "legal paper" within the meaning of subsection (a) means a pleading or other paper filed in any civil action or proceeding at law or in equity.

(b) The following legal papers may not be filed with the Prothonotary by means of electronic filing:

(1) Legal papers relating to any action governed by Pa.R.C.P. Nos. 1910.1 through 1910.50, relating to Actions for Support.

(2) A notice of appeal from an award of a board of arbitrators or a notice of appeal or other legal paper, the filing of which is prescribed by the Rules of Civil Procedure Governing Actions and Proceedings before District Justices.

Note

The legal papers described in subsection (b)(2) cannot be filed through electronic filing. See Pa.R.C.P. No. 205.4(a)(2).

(c) The filing party shall maintain the original hard copy of any legal paper that is electronically filed.

(d) In the case of original process filed to commence an action and other papers required by law or rule to be served by the Sheriff, the filing party shall provide a sufficient number of copies of an electronically filed document in order to permit service by the Sheriff.

(e) The Prothonotary shall provide electronic access at all times. The time and date of the filing and receipt shall be that registered by the Prothonotary's computer system.

(f) The Prothonotary's webpage is at the following website address: www.aopc.org/counties/carbon/prothy.htm.

(g) Access to the website shall be available to an attorney by use of a password and the attorney's Supreme Court identification number issued by the Court Administrator of Pennsylvania. Access is also available to any other user by the user selecting any numbers of letters that the user wishes to use as an identification number.

(h) The Prothonotary shall maintain an electronic and a hard copy file of all legal papers constituting original process filed to commence an action. The Prothonotary shall not be required to maintain a hard copy file for any other legal papers filed electronically pursuant to this rule.

(i) The procedure for payment of the fees and costs of the Prothonotary shall be set forth on the Prothonotary's webpage.

(j) The Prothonotary shall provide a filing status message to the filing party setting forth the date of and time of acceptance of the filing. If the filing party does not receive a filing status message, the legal paper is not considered filed and the filing party should contact the Prothonotary's office.

Note

A filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the Prothonotary. See Pa.R.C.P. No. 205.4(e)(2). One of the risks is that the Prothonotary—either correctly or incorrectly—determines that the filing party has not met its obligation for payment of the necessary fees and costs.

(k) This rule shall be rescinded on December 31, 2001 unless Pa.R.C.P. No. 205.4(h) is modified or rescinded.

Note

Pa.R.C.P. No. 205.4(h) provides that this rule shall be rescinded on December 31, 2001.

[Pa.B. Doc. No. 00-1902. Filed for public inspection November 3, 2000, 9:00 a.m.]

WESTMORELAND COUNTY
Repealing of Rule W1910.27; No. 3 of 2000

Administrative Order

And Now this 16th Day of October, 2000, *It Is Hereby Ordered* that Westmoreland County Rule of Civil Procedure 1910.27 is repealed.

By the Court

CHARLES H. LOUGHRAN,
President Judge

[Pa.B. Doc. No. 00-1903. Filed for public inspection November 3, 2000, 9:00 a.m.]

**DISCIPLINARY BOARD OF
 THE SUPREME COURT OF
 PENNSYLVANIA**

Notice of Suspension

Notice is hereby given that Hardge Davis, Jr., having been suspended from the practice of law in the State of New Jersey for an additional period of three months, the Supreme Court of Pennsylvania issued an Order dated October 19, 2000 suspending Hardge Davis, Jr., from the practice of law in this Commonwealth, for period of three months consecutive to the suspension imposed by that

Court on March 23, 2000. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director & Secretary
 The Disciplinary Board of the
 Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-1904. Filed for public inspection November 3, 2000, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that on October 19, 2000, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Kevin M. Howard was placed on temporary suspension by the Supreme Court of Pennsylvania until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director & Secretary
 The Disciplinary Board of the
 Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-1905. Filed for public inspection November 3, 2000, 9:00 a.m.]