

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Amendment of Rules 1042.3(b) and 1042.8 Governing the Certificate of Merit; No. 445 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 5th day of December, 2005, Pennsylvania Rules of Civil Procedure 1042.3(b)(2) and 1042.8 are amended to read as follows.

Whereas prior distribution and publication of this amendment would otherwise be required, it has been determined that immediate promulgation of the amendment is required in the interests of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter B. ACTION IN TRESSPASS

PROFESSIONAL LIABILITY ACTIONS

Rule 1042.3. Certificate of Merit.

* * * * *

(b)(1) A separate certificate of merit shall be filed as to each licensed professional against whom a claim is asserted.

(2) If a complaint raises claims under both subdivisions (a)(1) and (a)(2) against the same defendant, the attorney for the plaintiff, or the plaintiff if not represented, shall file

(i) a separate certificate of merit as to each claim raised, or

(ii) a single certificate of merit stating that claims are raised under both subdivisions (a)(1) and (a)(2).

* * * * *

Rule 1042.8. Certificate of Merit. Form.

The certificate required by Rule 1042.3(a) shall be substantially in the following form:

(Caption)

Certificate of Merit as to _____
(Name of Defendant)

I, _____, certify that:
(Attorney or Party)

an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside

acceptable professional standards and that such conduct was a cause in bringing about the harm;
AND/OR

* * * * *

Explanatory Comment

Rules 1042.3(b) and 1042.8 which govern certificates of merit required in professional liability actions have been amended to clarify their application in cases in which multiple claims are asserted against the same defendant.

New subdivision (b)(2) has been added to Rule 1042.3 advising the plaintiff who files a complaint raising claims against the same defendant under both subdivisions (a)(1) and (a)(2) that either (i) a separate certificate of merit must be filed as to each claim raised, or (ii) a single certificate of merit must be filed indicating stating that claims are raised under both subdivisions (a)(1) and (a)(2). The form of the certificate of merit set forth in Rule 1042.8 also has been amended by inserting the words "AND/OR" between paragraphs (1) and (2) which correspond to subdivisions (a)(1) and (a)(2) of Rule 1042.3.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 05-2363. Filed for public inspection December 23, 2005, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

Order Amending Rule 550; No. 334 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the December 9, 2005 changes to Rule of Criminal Procedure 550. The changes, which will be effective February 1, 2006, confirm that when jurisdiction in a court case is granted to magisterial district judges, their exercise of this jurisdiction is limited to those cases in which the defendant pleads guilty. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 9th day of December, 2005, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 35 Pa.B. 2865 (May 14, 2005), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 550 is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 2006.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 550. Pleas of Guilty Before [District Justice] Magisterial District Judge in Court Cases.

(A) In a court case in which a [district justice] magisterial district judge is specifically empowered by statute to exercise jurisdiction, a defendant may plead guilty before [an issuing authority] a magisterial district judge at any time up to the completion of the preliminary hearing or the waiver thereof.

(B) The [district justice] magisterial district judge may refuse to accept a plea of guilty, and the [district justice] magisterial district judge shall not accept such plea unless there has been a determination, after inquiry of the defendant, that the plea is voluntarily and understandingly tendered.

(C) The plea shall be in writing:

* * * * *

(2) signed by the [district justice] magisterial district judge, with a certification that the plea was accepted after a full inquiry of the defendant, and that the plea was made knowingly, voluntarily, and intelligently.

(D) A defendant who enters a plea of guilty under this rule may, within 10 days after sentence, change the plea to not guilty by so notifying the [district justice] magisterial district judge in writing. In such event, the [district justice] magisterial district judge shall vacate the plea and judgment of sentence, and the case shall proceed in accordance with Rule 547, as though the defendant had been held for court.

(E) Ten days after the acceptance of the guilty plea and the imposition of sentence, the [district justice] magisterial district judge shall certify the judgment, and shall forward the case to the clerk of courts of the judicial district for further proceedings.

Comment

In certain cases, [provisions for taking a plea of guilty in] what would ordinarily be a court case within the jurisdiction of the court of common pleas [have] has been placed within the jurisdiction of [district justices] magisterial district judges. See Judicial Code, 42 Pa.C.S. § 1515(a)(5), (5.1), (6), (6.1), and (7). This rule provides the procedures to implement this expanded jurisdiction of [district justices to accept pleas of guilty under certain circumstances in certain specified misdemeanors] magisterial district judges. [See Judicial Code, 42 Pa.C.S. § 1515(a)(5), (6), (6.1), and (7).]

In those cases in which either the defendant declines to enter a plea of guilty before the magisterial district judge or the magisterial district judge refuses to accept a plea of guilty, the case is to proceed in the same manner as any other court case.

This rule applies whenever a [district justice] magisterial district judge has jurisdiction to accept a plea of guilty in a court case.

* * * * *

Prior to accepting a plea of guilty under this rule, it is suggested that the [district justice] magisterial district judge consult with the attorney for the Commonwealth concerning the case, concerning the defendant's possible eligibility for ARD or other types of diversion, and concerning possible related offenses [which] that might be charged in the same complaint. See Commonwealth v. Campana, 452 Pa. 233, 304 A.2d 432 ([Pa.] 1973), vacated and remanded, 414 U.S. 808 (1973), on remand, 455 Pa. 622, 314 A.2d 854 (1974).

Before accepting a plea:

(a) The [district justice] magisterial district judge should be satisfied of jurisdiction to accept the plea, and should determine whether any other related offenses exist [which] that might affect jurisdiction.

(b) The [district justice] magisterial district judge should be satisfied that the defendant is eligible under the law to plead guilty before a [district justice] magisterial district judge, and, when relevant, should check the defendant's prior record and inquire into the amount of damages.

(c) The [district justice] magisterial district judge should advise the defendant of the right to counsel. For purposes of appointment of counsel, these cases should be treated as court cases, and the Rule 122 ([Assignment] Appointment of Counsel) procedures should be followed.

(d) The [district justice] magisterial district judge should advise the defendant that, if the defendant wants to change the plea to not guilty, the defendant, within 10 days after imposition of sentence, must notify the [district justice] magisterial district judge who accepted the plea of this decision in writing.

(e) The [district justice] magisterial district judge should make a searching inquiry into the voluntariness of the defendant's plea. A colloquy similar to that suggested in Rule 590 should be conducted to determine the voluntariness of the plea. At a minimum, the [district justice] magisterial district judge should ask questions to elicit the following information:

* * * * *

(6) that the defendant is aware that the [district justice] magisterial district judge is not bound by the terms of any plea agreement tendered unless the [district justice] magisterial district judge accepts such agreement; and

* * * * *

See Rule 590 and the Comment thereto for further elaboration of the required colloquy. See also Commonwealth v. Minor, 467 Pa. 230, 356 A.2d 346 ([Pa.] 1976), overruled on other grounds in Commonwealth v. Minarik, 493 Pa. 573, 427 A.2d 623, 627 ([Pa.] 1981); Commonwealth v. Ingram, 455 Pa. 198, 316 A.2d 77 ([Pa.] 1974); Commonwealth v. Martin, 445 Pa. 49, 282 A.2d 241 ([Pa.] 1971).

* * * * *

At the time of sentencing, or at any time within the 10-day period before transmitting the case to the clerk of courts pursuant to paragraph (E), the [**district justice**] **magisterial district judge** may accept payment of, or may establish a payment schedule for, installment payments of restitution, fines, and costs.

If a plea is not entered pursuant to this rule, the papers must be transmitted to the clerk of courts of the judicial district in accordance with Rule 547. After the time set forth in paragraph (A) for acceptance of the plea of guilty has expired, the [**district justice**] **magisterial district judge** no longer has jurisdiction to accept a plea.

Regardless of whether a plea stands or is timely changed to not guilty by the defendant, the [**district justice**] **magisterial district judge** must transmit the transcript and all supporting documents to the appropriate court, in accordance with Rule 547.

Once the case is forwarded as provided in this rule and in Rule 547, the court of common pleas has exclusive jurisdiction over the case and any plea incident thereto. The case would thereafter proceed in the same manner as any other court case, which would include, for example, the collection of restitution, fines, and costs; the establishment of time payments; and the supervision of probation in those cases in which the [**district justice**] **magisterial district judge** has accepted a guilty plea and imposed sentence.

Official Note: Rule 149 adopted June 30, 1977, effective September 1, 1977; Comment revised January 28, 1983, effective July 1, 1983; amended November 9, 1984, effective January 2, 1985; amended August 22, 1997, effective January 1, 1998; renumbered Rule 550 and amended March 1, 2000, effective April 1, 2001; **amended December 9, 2005, effective February 1, 2006.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the December 9, 2005 changes to the rule clarifying the magisterial district judges' exercise of jurisdiction published with the Court's Order at 35 Pa.B. 6896 (December 24, 2005).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 550

Pleas of Guilty Before Magisterial District Judge in Court Cases

During the course of Committee's ongoing monitoring of new legislation and the legislation's interplay with the Criminal Rules, we reviewed Act No. 2004-177 that, inter alia, amends 42 Pa.C.S. § 1515 to provide magisterial district judges with jurisdiction over offenses under 75 Pa.C.S. § 3808 (relating to illegally operating a motor vehicle not equipped with ignition interlock) and increases the penalty level of Section 3808(a)(1) from a summary offense to a misdemeanor. This addition, unlike previous jurisdictional expansions, did not limit the magisterial district judges' jurisdiction to acceptance of guilty pleas in these cases. The broader scope of the jurisdiction is problematic from a procedural perspective because of

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

the nature of proceedings before the magisterial district judges, which currently are not courts of record and are non-jury.

The Committee, during our discussions of this addition to the magisterial district judges' jurisdiction, noted the Legislature has consistently limited any grant of jurisdiction to magisterial district judges in a court case to the situation in which the defendant intends to enter a plea of guilty, suggesting the Legislature's understanding of the procedural difficulties that would arise should trials in these cases be conducted at the magisterial district court level. In view of these considerations, the Committee agreed Rule 550 should continue to provide that the procedures for the magisterial district judges' exercise of their jurisdiction under 42 Pa.C.S. § 1515(a)(5), (5.1), (6), (6.1), and (7) are limited to the acceptance of guilty pleas. This limitation continues the expedited disposition of many of these cases by the magisterial district judges, while protecting the defendants' rights by providing them with the opportunity for a full trial in the court of common pleas. Accordingly, the Court approved the Committee's proposal to revise the Comment to Rule 550 to clarify that, under the rules, the magisterial district judges' exercise of their statutorily granted jurisdiction over misdemeanors continues to be restricted to acceptance of guilty pleas.

Rule 550(A) limits exercise of jurisdiction by a magisterial district judge to the acceptance of a guilty plea. Because the language of the first paragraph of the Comment may create the impression of unduly limiting the application of the rule, the revision removes the qualifying language "provisions for taking a plea of guilty" and explains that the rule applies to any statute that grants court case jurisdiction to magisterial district judges. The same paragraph also is revised to include a reference to new paragraph 5.1 of Section 1515 in the list of the sections providing the magisterial district judges with jurisdiction over certain misdemeanors that are cross-referenced in the Rule 550 Comment.

A new second paragraph is added to the Comment clarifying that in the event that a defendant declines to enter a guilty plea or a magisterial district judge refuses to accept a guilty plea, the case would go forward in the court of common pleas.

Additionally, pursuant to Act 207 of 2004 and the Order of the Supreme Court of Pennsylvania, 269 Judicial Administrative Docket No. 1 (January 6, 2005), the term "district justice" is replaced by "magisterial district judge" throughout the rule and Comment.

[Pa.B. Doc. No. 05-2364. Filed for public inspection December 23, 2005, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Municipal Court Rule of Criminal Procedure 102—Procedure in Non-traffic Summary Cases; General Court Regulation No. 2005-01

Order

And Now, this 6th day of December, 2005, the Board of Judges of Municipal Court having voted at the Board of

Judges' meeting held on November 18, 2005 to adopt Municipal Court Rule of Criminal Procedure 102, *It Is Hereby Ordered* that Municipal Court Rule of Criminal Procedure 102 is adopted as follows.

This General Court Regulation is issued in accordance with Pa.R.Crim.P. 105 and, as required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Municipal Court of Philadelphia, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Clerk of Quarter Sessions, and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

By the Court

LOUIS J. PRESENZA,
President Judge

Rule of Criminal Procedure for the Philadelphia Municipal Court

Rule 102 Procedure in Non-traffic Summary Cases

When a defendant commits a non-traffic summary offense the matter shall proceed according to Pennsylvania Rule of Criminal Procedure 1002 except that:

(A) In lieu of taking the defendant into custody the law enforcement officer may prepare, verify and transmit a citation electronically. The law enforcement officer contemporaneously shall give the defendant a paper copy of the citation containing all the information required by Pennsylvania Rule of Criminal Procedure 403 and a notice to appear.

(B) When a defendant commits a non-traffic summary offense in any district that is within the jurisdiction of Community Court the procedure shall be as follows:

(1) during the regular operating hours of Community Court, Monday through Friday, the defendant shall be taken to the police district or an appropriate PARS processing location where the defendant will be issued a citation. The police shall then, without unnecessary delay, transport the defendant to Community Court for proceedings before a Municipal Court judge.

(2) during the hours when Community Court is closed, the defendant shall be processed as provided in subsection (B)(1) except that the defendant will be given a notice to appear in Community Court for proceedings before a Municipal Court judge on the next business day.

(3) if offered by the District Attorney, the defendant may enter a conditional guilty plea or a nolo contendere plea and the sentence imposed shall be consistent with the terms and conditions offered by the District Attorney and accepted by the defendant as a negotiated plea. The judge will then impose community service and/or rehabilitation conditions to be completed by the time of the defendant's next scheduled appearance. The defendant shall be given notice to return to Community Court for the status of the completion of the conditions. If at the status listing the defendant has successfully completed the conditions imposed, prosecution shall be withdrawn. If the conditions have not been completed, it is within the judge's discretion to allow the defendant additional time to comply. If the judge allows additional time and the

defendant again fails to successfully complete the conditions, the judge shall enter a guilty verdict and impose sentence.

(4) the defendant may enter a not guilty plea and receive a trial date in Community Court. Adopted by the Board of Judges on 18 November 2005; effective 1 February 2006.

[Pa.B. Doc. No. 05-2365. Filed for public inspection December 23, 2005, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BERKS COUNTY

[Correction]

Administrative Order Relative to Amendment of Berks County Rules of Criminal Procedure; No. 98-8009 Prothonotary; No. 1-MD-2005 Clerk of Courts

An error occurred in the document which appeared at 35 Pa.B. 6494, 6496 (December 3, 2005). The title of Rule 320 was incorrect. The correct version of this rule is as follows:

Rule 320 Expungement of the Arrest Record upon Successful Completion of the A.R.D. Program

(A) A Defendant presenting a motion for dismissal of the charges against him/her upon successful completion of the A.R.D. Program pursuant to Pa.R.Crim.P. 319 shall file with the motion a proposed order for expungement of his/her arrest record substantially in the form set forth in B.C.R.Crim.P. 320.2 The moving party shall also file an adequate number of copies of the proposed order for distribution.

(B) The moving party shall list in the proposed order all criminal justice agencies that will be served with a certified copy of the order for expungement.

[Pa.B. Doc. No. 05-2194. Filed for public inspection December 2, 2005, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 8th day of December 2005, Dauphin County Local Rule 1920.51A is amended as follows:

1920.51A. Filing Fee; Compensation of Master and Stenographer

(1) Upon the filing of the Complaint, the plaintiff shall pay to the Prothonotary, in addition to any other charges, an administrative fee in the amount of \$100.00.

(2) **A Motion for Appointment of Master and a proposed order shall be in the form prescribed by Pa.R.C.P. 1920.74 and shall be filed with the Prothonotary. Simultaneously with the filing of the Motion for Appointment of Master, an administrative fee of \$125.00 shall be paid to the**

Prothonotary in addition to any other charges. Divorce Masters shall be appointed by the Court **when the requirements of Dauphin County Local Rule 1920.51(a)(3) have been met.**

(3) Divorce Masters shall be compensated at a rate set by order of court.

(4) The Court shall pay an appearance fee by a stenographer who is hired to record the masters' proceedings. The cost of transcripts shall be borne by the parties.

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 05-2366. Filed for public inspection December 23, 2005, 9:00 a.m.]

FAYETTE COUNTY

Clerk of Courts Fee Bill; 42 PCS 1725.4 (Pursuant to Act 36-2000); No. 369 MD 2005

Effective January 1, 2006 the fees to be charged and collected by the clerk of courts in counties of the second class A and third through eighth, or equivalent officer in home rule counties of the same class, shall be as listed on the attached Fee bill.

The amount of any fee or charge increased pursuant to paragraph (1) of 42 PCS § 1725.4 may be increased every three years, provided that the amount of the increase may not be greater than the percentage of increase of increase in the Consumer Price Index for Urban Workers for the immediate three years preceding the last increase in the fee or charge.

In addition to any other fee authorized by law, an automation fee of not more than \$5.00 may be charged and collected by the clerk of courts of counties of the second class A and the third through eighth class, including home rule counties of the same class, for the initiation of any action or legal proceeding. The automation fee shall be deposited into a special clerk of courts automation fund established in each county. Moneys in the special fund shall be used solely for the purpose of automation and continued automation update of the office of the clerk of courts.

By the Court

CONRAD B. CAPUZZI,
President Judge

FAYETTE COUNTY CLERK OF COURTS FEE BILL

Effective January 1, 2006

Criminal Filings (at Disposition):	
Misdemeanor, Felony during or before trial	\$150.00
PFA Indirect Criminal Contempt	135.00
Non-Jury, Plea, ARD, PWOV	135.00
Summary	50.00
Courtesy Supervision Cases (APO supervising out of County individuals)	44.50
Summary Appeal	44.50

Bail Bonds

Percentage Cash Bail Administrative Fee: Thirty (30%) percent on amount paid	
Filing Qualifying Power of Attorney to act as agent	50.00
Bail Piece (Application & Order)	16.00
Bail Forfeitures	27.75
Posting property bond	25.00

Filings

Appeals (Higher Court; state fee not included)	55.50
Bench Warrants (issuance)	18.50
Constable Bond/Oath/Card	21.50
Deputy Constable Appointment/Card	21.50
Expungement (Miscellaneous Cases)	50.00
ARD Motion and Expungement	65.00
Miscellaneous Matters	21.50
Municipal School Tax Report	17.50
Petitions/Motions generally (following dispositions)	21.50
Petitions for Parole/Release etc.	21.50
Private Detective (Individual) Bond/License-2yrs	225.00
Private Detective (Corporate) Bond/License-2yrs	325.00
Revocation of ARD, PWOV, Probation/Parole	21.50
Roads (Including certification)	21.50
Summary Appeal (Non refundable filing fee)	44.50
Tax Collector Bond/Oath	21.50
Tax Collector Report	17.50

Miscellaneous Fees:

Certification	10.00
Copies	.50 per page
Clerks Automation Fee	5.00 per case
Computer Printouts	1.00 per page
Exemplification	21.50
Fax Fees	1.50 per page
License Suspension/Reinstatement	21.50
Monthly Payment Plan Fee	5.00
Postage (per case)	10.00
Record Search	10.00
Subpoena (sign/seal)	5.00

[Pa.B. Doc. No. 05-2367. Filed for public inspection December 23, 2005, 9:00 a.m.]

WESTMORELAND COUNTY

Adoption of Rule WC 570; No. 2 of 2005

Order

And Now this 8th day of December, 2005 *It Is Hereby Ordered* that Westmoreland County Rule of Criminal Procedure WC 570 is adopted effective March 1, 2006.

By the Court

DANIEL J. ACKERMAN,
President Judge

Rule WC 570 Pretrial Conference

(a) The court administrator will schedule one Pretrial Conference for each case prior to that case being scheduled for trial. The court administrator will serve Notices and copies of the Pretrial Conference Order pursuant to Pa.R.Crim.P. 114(B) on the defendant, defendant's attorney, and the assigned attorney for the commonwealth.

(b) The parties will complete the following at least five (5) working days prior to the scheduled Pretrial Conference:

(1) Filing and service of any Motion for Relief pursuant to Pa.R.Crim.P. 572(C) regarding a request for a Bill of Particulars.

(2) Completing Pretrial Discovery pursuant to Pa.R.Crim.P. 573 including the filing and service of any Motion for Pretrial Discovery.

(3) Filing and service of Notices of Alibi Defense or of Insanity or Mental Infirmity Defense and Disclosure of Reciprocal Witnesses as required by Pa.R.Crim.P. 573(C).

(4) Filing and service of any Omnibus Pretrial Motion pursuant to Pa.R.Crim.P. 578.

(5) Tendering by the commonwealth of any plea offer.

(6) Filing and service of any Motion for Continuing the Pretrial Conference.

(c) The following will occur at the Pretrial Conference:

(1) The parties will declare whether the commonwealth's plea offer has been accepted, whether the parties agree to the defendant entering the ARD or other pre-adjudication program, or whether the case will proceed to trial.

(2) The court will take pleas of "guilty", enter the defendant into the ARD or other pre-adjudication program, and decide whether to order nolle pros of any or all charges.

(3) The court will decide or Order argument on outstanding motions.

(4) The court will Order the court administrator to place the case on the trial list.

(d) The court may order sanctions for failure to comply with this Rule.

**IN THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY PENNSYLVANIA
CRIMINAL DIVISION**

PRETRIAL CONFERENCE ORDER

It is HEREBY ORDERED that the Defendant, Defendant's Counsel, and the Attorney for the Commonwealth assigned to the case referenced in the enclosed Notice, report for a Pretrial Conference as instructed in the enclosed Notice, and that all parties will be prepared for the Pretrial Conference as required by Westmoreland County Rule of Criminal Procedure WC570.

Rule WC570 requires the following at least five (5) working days prior to the scheduled Pretrial Conference:

1. Filing and service of any Motion for Relief pursuant to Pa.R.Crim.P. 572(C) regarding a request for a Bill of Particulars.

2. Completing Pretrial Discovery pursuant to Pa.R.Crim.P. 573 including the filing and service of any Motion for Pretrial Discovery.

3. Filing and service of Notices of Alibi Defense or of Insanity or Mental Infirmity Defense and Disclosure of Reciprocal Witnesses as required by Pa.R.Crim.P. 573(C).

4. Filing and service of any Omnibus Pretrial Motion pursuant to Pa.R.Crim.P. 578.

5. Tendering by the commonwealth of any plea offer.

6. Filing and service of any Motion for Continuing the Pretrial Conference.

Pursuant to Rule WC570, the following will occur at the Pretrial Conference:

1. The parties will declare whether the commonwealth's plea offer has been accepted, whether the parties agree to the defendant entering the ARD or other pre-adjudication program, or whether the case will proceed to trial.

2. The court will take pleas of "guilty", enter the defendant into the ARD or other pre-adjudication program, and decide whether to order nolle pros of any or all charges.

3. The court will decide or Order argument on outstanding motions.

4. The court will Order the court administrator to place the case on the trial list.

The court may impose sanctions for failure to comply with this Order.

BY THE COURT:

John E. Blahovec J. _____ J.
Richard E. McCormick, Jr.

Debra A. Pezze J. _____ J.
Rita D. Hathaway

[Pa.B. Doc. No. 05-2368. Filed for public inspection December 23, 2005, 9:00 a.m.]

YORK COUNTY

Increasing the Schedule of Fees for the Prothonotary of York County, a Third Class County; Misc. Civil 2005-MI-00329-Y55

Administrative Order and Approval

And Now, To Wit, This 30th Day of November, 2005, *The Court* pursuant to Act #98-164 of the Pennsylvania Legislature, hereby approves the increase of fees effective January 3, 2006

Prothonotary Fee Bill—Effective January 3, 2006

**Prothonotary Automation Fee as Indicated in Act #98-164 is Included in All New Filing Fees
PA CSA 42 § 21071 et seg. as amended**

	NEW FEE
ACKNOWLEDGEMENTS	
Of Sheriff or Treasurer Deeds	\$9.00
ANSWER ON AN NO CASE (JUDGMENT)	\$6.75
APPEALS	
District Justice	\$134.00
Superior Court Appeal: 2 separate checks required	
Prothonotary Fee	\$65.00
Appellate Court Fee	\$60.00
ARBITRATIONS	
Appointment of Arbitrator	\$32.00
Arbitration Appeal	\$34.00
Reimbursement to County for Arbitrator's Fees	\$240.00
ASSIGNMENTS	\$10.50

	NEW FEE		NEW FEE
BENCH WARRANTS	\$17.50	EXECUTIONS	
CERTIFICATES		Praeipe for Writ	\$31.50
Notary Public or Magistrate	\$4.00	Attachment Proceeding Each Garnishee	\$0.50
Duplicate Divorce Decree	\$9.50	Reissuance	\$9.50
Resumption of Prior Name subsequent to Divorce	\$6.50	Interrogatories & Answers	\$6.75
		Attachment Dissolution	\$10.50
		Sheriff's Determination of Ownership	\$9.00
CERTIFICATIONS		EXEMPLIFIED RECORDS	
First Page	\$6.00	Incoming Exemplified Records	\$36.50
Each Additional Page	\$2.00	Outgoing Exemplified Records	\$21.50
		(Specify In-State or Out-of State)	
CHECKS RETURNED AS NON NEGOTIABLE	\$20.00	FAMILY COURT ACTIONS	
COMMENCEMENT OF CIVIL ACTION	\$134.00	Commencement of Divorce Action	\$195.00
COMPLAINT—CIVIL	\$134.00	Add for each count other than divorce	\$10.00
COMPLAINT—CUSTODY	\$130.00	Add for custody count included with divorce	\$16.50
COMPLAINT—DIVORCE	\$195.00	Discontinuance or withdrawal	\$10.50
Add \$10 for each additional count and \$16.50 for custody count		Custody (except when filed with a divorce action)	\$130.00
COMPLAINT IN CONFESSION OF JUDGMENT	\$43.25	Conciliator Appointment	\$125.00
CONFESSIONS OF JUDGMENT	\$36.50	Reactivation of case made inactive per Local Rule 6036	\$17.50
CONCILIATOR APPOINTMENT	\$125.00	Appointment of Master:	
COPIES		Whether for Fault Divorce, Equitable Distribution or Alimony	\$300.00
Public Printer (per page)	\$0.50	Modification of Alimony	\$200.00
Copies made by Prothonotary staff (per page)	\$1.00	Testimony over 2 full days (per day)	\$150.00
CUSTODY COMPLAINT (Except when filed with a divorce action) See family court section for details	\$130.00	Alimony Pendente Lite, Counsel Fees, Costs & Expenses	\$50.00
CUSTODY—REGISTER OUT OF STATE CUSTODY ORDER	\$16.50	FAXING	\$10.00
DEFAULT JUDGMENT	\$19.50	INTERROGATORIES	\$6.75
DIRECTIVE (Conciliator fee)	\$125.00	JUDGMENTS	
DISTRICT JUSTICE APPEAL	\$134.00	By Confession	\$36.50
DISTRICT JUSTICE JUDGMENT	\$36.25	With Complaint	\$43.25
DIVORCE DECREE CERTIFIED COPY	\$9.50	By Praeipe (Default), Stipulation, or Order	\$19.50
DIVORCE COMPLAINT	\$195.00	By Transcript (District Justice)	\$36.25
(See family court section for details)		Incoming Exemplified Records	\$36.50
Commencement of Divorce Action	\$195.00	Outgoing Exemplified Records	\$21.50
(plus \$10.00 for each count other than divorce and \$16.50 when a custody count is included)		(Specify In-State or Out-of State)	
Discontinuance or withdrawal	\$10.50	Broker's Lien	\$36.50
Appointment of Master:		Judgment Non Pros	\$19.50
Whether for Fault Divorce, Equitable Distribution or Alimony	\$300.00	JUDICIAL SALE	\$16.50
Modification of Alimony	\$200.00	OBJECTIONS/EXCEPTIONS	
Testimony over 2 full days (per day)	\$150.00	LICENSE SUSPENSION APPEAL	\$134.00
Alimony Pendente Lite, Counsel Fees, Costs & Expenses	\$50.00	LIENS	
		Municipal or Federal	\$36.00
		Commonwealth	\$36.50
		MECHANICS LIENS	
		Claim (same as Commencement of New Action)	\$134.00
		Stipulation or Waiver	\$28.25
		MISCELLANEOUS FILINGS	\$16.50
		MORTGAGE FORECLOSURE—(This is a new complaint)	\$134.00
		MOTION TO STAY EXECUTION ON AN NO CASE	\$6.75

MOTION TO STAY EXECUTION ON AN SU CASE	NEW FEE NO FEE
NAME CHANGE—resume maiden name after divorce (6.25 for change plus 6.50 for certified copy)	\$12.75
NAME CHANGE—not divorce related must file Petition for Change of Name	\$44.00
NOTARY PUBLIC	
Registration of Signature	\$4.00
Acknowledgment of Signature	\$4.00
PETITION FOR CHANGE OF NAME (not divorce related)	\$44.00
PETITIONS TO OPEN OR STRIKE JUDGMENTS	
If filed to NO#	\$134.00
If filed to SU#	NO FEE
PLEADINGS FILED TO AN NO OR MT CASE	\$6.75
POWERS OF ATTORNEY	
Registration of first name	\$4.50
Registration of additional name	\$1.00
Revocation of first name	\$3.00
Revocation of additional name	\$1.00
PRAECIPE TO ENTER FINAL JUDGMENT	\$19.50
PRAECIPE TO SATISFY/ DISCONTINUE/WITHDRAW CASE	
If filed prior to 1/2/97	\$10.50
If filed on or after 1/2/97	NO FEE
PROTECTION FROM ABUSE	\$123.00
Copying charge (if copies are not provided)	\$23.50
State Surcharge	\$25.00
Issuance of a Bench Warrant	\$17.50
REACTIVATION OF CASE MADE INACTIVE PER Rule 6036	\$17.50
RELEASE, POSTPONEMENT, SUBORDINATION	\$10.50
REMOVAL OR TRANSFER OF RECORD TO ANOTHER COURT	\$27.25
REVIVALS	
Adverse Proceedings	\$49.00
Amicable Proceedings	\$36.25
SATISFACTIONS	
Cases filed prior to 1/2/97	\$10.50
Cases filed on or after 1/2/97	NO FEE
Commonwealth Satisfactions (filed prior to 1997)	\$11.00

SUBPOENAS (Must be completed before submitted for signature and seal)	NEW FEE \$4.00
SUIT—Civil Complaint	\$134.00
TAX UPSET OBJECTIONS/EXCEPTIONS	\$16.50
WRIT OF EXECUTION	\$31.50
WRIT OF SUMMONS	\$134.00

NOTES

York County does not use a civil cover sheet, but backers are required on all filings.

Judgments must be accompanied by 236 Notices.

Divorce finalizations require submission of a Divorce Information Sheet and the Social Security Information Sheet.

Failure to provide all required paperwork may result in returned filings.

The Prothonotary shall not be required to enter on the docket any suit or action nor order of court or enter any judgment thereon or perform any services whatsoever for any person or political subdivision of the Commonwealth until the requisite fee is paid.

Payment of all fees must be made by cash or business checks, certified checks, money orders, or travelers' checks payable to the Prothonotary of York County. A fee of \$20 will be charged for returned checks.

It Is Further Ordered that in accordance with Pa.R.C.P. the District Court Administrator shall:

(a) File 7 certified copies hereof with the Administrative office of Pennsylvania Courts.

(b) Distribute 2 certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(c) File 1 certified copy hereof with the Civil Procedural Rules Committee, and 1 certified copy hereof with the Criminal Procedural Rules Committee.

(d) Cause a copy hereof to be published in the *York Legal Record* once a week for 2 successive weeks at the expense of the County of York.

(e) Cause to be printed an adequate supply of the Rules hereby amended and promulgated for distribution to the Judges and the members of the Bar of this Court, and for sale at cost to any other interested parties, such printing to be done at the expense of the County of York in accordance with the provisions of the Act of July 9, 1976, P. L. 586, Sec. 2, 42 Pa.C.S.A. Section 3722.

(f) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

By the Court

JOHN H. CHRONISTER,
President Judge

[Pa.B. Doc. No. 05-2369. Filed for public inspection December 23, 2005, 9:00 a.m.]