

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA. CODE CH. 71]

Order Amending Rule 202 of the Pennsylvania Bar Admission Rules; No. 790 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 8th day of February, 2019, upon the recommendation of the Board of Law Examiners, the proposal having been published for public comment at 48 Pa.B. 6385 (October 6, 2018):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 202 of the Bar Admission Rules is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendment shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 202. Admission to the Bar.

An applicant who complies with the requirements of Rule 203 (relating to admission of graduates of accredited institutions), Rule 204 (relating to admission of domestic attorneys) or Rule 205 (relating to admission of foreign attorneys) and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules.

An applicant who is an undocumented immigrant who has current Deferred Action for Childhood Arrivals (DACA) status, or equivalent status under a successor program, and who has current and valid employment authorization to work in the United States shall be eligible for admission to the Pennsylvania Bar provided that all other requirements of these Rules are otherwise satisfied. This Rule satisfies the requirements of Section 1621(d) of Title 8 of the United States Code. This Rule shall apply to all applications pending at the time of its adoption and thereafter.

[Pa.B. Doc. No. 19-251. Filed for public inspection February 22, 2019, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CHS. 81 AND 83]

Amendment of Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Rules of Professional Conduct; No. 172 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 7th day of February, 2019, it is hereby Ordered that Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Rules of Professional Conduct are amended in the following form. These amendments shall be effective for the 2019-20 annual attorney assessment and shall continue until further Order of this Court.

Pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, the immediate amendment of Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Rules of Professional Conduct is required in the interest of efficient administration.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.15. Safekeeping Property.

* * * * *

(u) Every attorney who is required to pay an active annual assessment under Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement (relating to annual registration of attorneys) shall pay an additional annual fee of [\$30.00] \$25.00 for use by the IOLTA Board. Such additional assessment shall be added to, and collected with and in the same manner as, the basic annual assessment. All amounts received pursuant to this subdivision shall be credited to the IOLTA Board.

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Subpart B. DISCIPLINARY ENFORCEMENT**CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT****Subchapter B. MISCONDUCT****Rule 219. Annual registration of attorneys.**

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of [**\$120.00**] **\$140.00** and electronically file the annual fee form provided for in this rule by July 1. The fee shall be collected under the supervision of the Attorney Registration Office, which shall make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.

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Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY
GENERAL PROVISIONS

Rule 502. Pennsylvania Lawyers Fund for Client Security.

* * * * *

(b) *Additional fee.* Every attorney who is required to pay an active annual fee under Rule 219 (relating to annual registration of attorneys) shall pay an additional fee of [**\$75.00**] **\$60.00** for use by the Fund. Such additional fee shall be added to, and collected with and in the same manner as, the basic annual fee. All amounts received pursuant to this subdivision shall be credited to the Fund.

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[Pa.B. Doc. No. 19-252. Filed for public inspection February 22, 2019, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE
[210 PA. CODE CHS. 1, 19 AND 21]

Proposed Adoption of Pa.R.A.P.s 130—136 and Proposed Amendment of Pa.R.A.P.s 121, 122, 124, 125, 1921, 1931, 2173 and 2174

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.A.P.s 130, 131, 132, 133, 134, 135, 136 and the amendment of Pa.R.A.P.s 121, 122, 124, 125, 1921, 1931, 2173, 2174 governing electronic filing in the appellate courts. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Karla M. Shultz, Counsel
Appellate Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
appellaterules@pacourts.us

All communications in reference to the proposal should be received by April 26, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court
Procedural Rules Committee*

PATRICIA A. McCULLOUGH,
Chair

Annex A**TITLE 210. APPELLATE PROCEDURE****PART I. RULES OF APPELLATE PROCEDURE****ARTICLE I. PRELIMINARY PROVISIONS****CHAPTER 1. GENERAL PROVISIONS****DOCUMENTS GENERALLY****Rule 121. Filing and Service of Paper Documents.**

(a) *Filing of paper documents.*—[**Papers**] **Paper documents** required or permitted to be filed in an appellate court shall be filed with the prothonotary. Filing **of paper documents** may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules, filing shall not be timely unless the [**papers**] **paper documents** are received by the prothonotary within the time fixed for filing. If an application under these rules requests relief [**which**] **that** may be granted by a single judge, a judge in extraordinary circumstances may permit the application and any related [**papers**] **paper documents** to be filed with that judge. In that event the judge shall note thereon the date of filing and shall thereafter transmit such [**papers**] **paper documents** to the clerk.

A *pro se* [**filing**] **paper document** submitted by a prisoner incarcerated in a correctional facility is deemed filed as of the date it is delivered to the prison authorities for purposes of mailing or placed in the institutional mailbox, as evidenced by a properly executed prisoner cash slip or other reasonably verifiable evidence of the date that the prisoner deposited the *pro se* filing with the prison authorities.

(b) *Service of [**all papers required**] **paper documents**.*—Copies of all [**papers**] **paper documents** filed by any party and not required by these rules to be served by the prothonotary shall, concurrently with their filing,

be served by a party or person acting on behalf of that party or person on all other parties to the matter. Service on a party represented by counsel shall be made on counsel.

[(c)] **(c)(1) Manner of service.**—Service **of paper documents** may be **by the following**:

[(1) by] **(i)** personal service, which includes delivery of the copy to a clerk or other responsible person at the office of the person served, but does not include inter-office mail;

[(2) by] **(ii)** first class, express, or priority United States Postal Service mail;

[(3) by] **(iii)** commercial carrier with delivery intended to be at least as expeditious as first class mail if the carrier can verify the date of delivery to it; **and**

[(4) by] **(iv)** facsimile or e-mail with the agreement of the party being served as stated in the certificate of service.

Service by mail is complete on mailing.

[(d)] **(2) Proof of service.**—[**Papers**] **Paper documents** presented for filing shall contain an acknowledgment of service by the person served, or proof of service certified by the person who made service. Acknowledgment or proof of service may appear on or be affixed to the [**papers**] **paper documents** filed. The clerk may permit [**papers**] **paper documents** to be filed without acknowledgment or proof of service but shall require such to be filed promptly thereafter.

[(e)] **(d) Additional time after service of paper documents** by [**mail and commercial carrier**] **all forms of service other than personal service.**—Whenever a party is required or permitted to do an act within a prescribed period after service of a [**paper**] **document** upon that party (other than an order of a court or other government unit) and the [**paper**] **document** is served by [**United States mail or by commercial carrier**] **any form of service set forth in paragraph (c)(1)(ii)—(iv) of this rule**, three days shall be added to the prescribed period.

Official Note: [**Subdivision**] **Paragraph (a)**—The term “related [**papers**] **paper documents**” in [**subdivision**] **paragraph (a)** of this rule includes any appeal [**papers**] **documents** required under [**Rule**] **Pa.R.A.P. 1702** (stay ancillary to appeal) as a prerequisite to an application for a stay or similar relief.

In 2008, the term “paperbooks” was replaced with “briefs and reproduced records” throughout these rules. The reference to the deemed filing date for paperbooks when first class mail was used that was formerly found in [**subdivision**] **paragraph (a)** is now found in [**Rule**] **Pa.R.A.P. 2185** regarding filing briefs and in [**Rule**] **Pa.R.A.P. 2186** regarding filing reproduced records.

As to *pro se* filings by persons incarcerated in correctional facilities, see *Commonwealth v. Jones*, [**549 Pa. 58**,] 700 A.2d 423 (Pa. 1997); *Smith v. Pa. Bd. of Prob. & Parole*, [**546 Pa. 115**,] 683 A.2d 278 (Pa. 1996); *Commonwealth v. Johnson*, 860 A.2d 146 (Pa. Super. 2004).

[**Subdivision (c)**] **Paragraph (c)(1)**—An acknowledgment of service may be executed by an individual other than the person served, [**e.g.**] **for example**, by a clerk or other responsible person.

[**Subdivision (d)**] **Paragraph (c)(2)**—With respect to appearances by new counsel following the initial docketing of appearances pursuant to [**subdivision (d)**] **subparagraph (c)(2)** of this rule, please note the requirements of Rule 120 (entry of appearance).

[**Subdivision (e) Subdivision (e)**] **Paragraph (d)**—**Paragraph (d)** of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or re-argument, since under these rules the time for filing such [**papers**] **documents** runs from the entry and service of the related order, nor to the filing of a petition for review, which is governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice. The amendments to [**Rules**] **Pa.R.A.P.s 903(b), 1113(b) and 1512(a)(2)** clarified that [**subdivision (e)**] **paragraph (d)** does apply to calculating the deadline for filing cross-appeals, cross-petitions for allowance of appeal, and additional petitions for review.

For the procedure for electronic filing and service, see Pa.R.A.P.s 125 and 130 through 136.

Rule 122. Content and Form of Proof of Service of Paper Documents Filed in an Appellate Court.

(a) *Content.*—A proof of service shall contain a statement of the date and manner of service and of the names of the persons served.

(b) *Form.*—Each name and address shall be separately set forth in the form of a mailing address, including applicable zip code, regardless of the actual method of service employed. The proof of service shall also show the telephone number, the party represented, and, where applicable, an e-mail or facsimile address. The name, address, and telephone number of the serving party shall be similarly set forth, followed by the attorney’s registration number. A proof of service may be in substantially the following form:

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service by first class mail addressed as follows:

Name, Telephone number
Mailing address
(Party represented)

Acceptance of service endorsed by the following:

Name, Telephone number
Mailing address
(Party represented)

Service in person as follows:

Name, Telephone number
Street address
Mailing address (if different)
(Party represented)

Service by commercial carrier as follows:

Name of commercial carrier
Addressee's name, Telephone number
Street address
Mailing address (if different)
(Party represented)

Service by e-mail at following:

E-mail address, with agreement of:
Name, Telephone number
Mailing address
(Party represented)

Service by facsimile at following:

Fax number with the agreement of:
Name, Telephone number
Mailing address
(Party represented)

Date:

(S) _____
Name, Telephone number
(Attorney Registration No. 00000)
Mailing address
(Party represented)

Official Note: Under 18 Pa.C.S. § 4904 (unsworn falsification to authorities) a knowingly false proof of service constitutes a misdemeanor of the second degree.

Rule 124. Form of [**Papers**] **Documents**; Number of Copies.

(a) *Size and other physical characteristics.*—All [**papers**] **documents** filed in an appellate court shall be on 8 1/2 inch by 11 inch [**paper**] **pages** and shall comply with the following requirements:

(1) The [**papers**] **documents** shall be prepared on white [**paper** (except for covers, dividers and similar sheets) of good quality] **background**.

(2) The first [**sheet**] **page** (except the cover of a brief or reproduced record) shall contain a 3 inch space from the top of the [**paper**] **document** for all court stampings, filing notices, etc.

(3) Text must be double spaced, but quotations more than two lines long may be indented and single spaced. Footnotes may be single spaced. Except as provided in [**subdivision**] **subparagraph** (2), margins must be at least one inch on all four sides.

(4) Lettering shall be clear and legible and no smaller than 14 point in the text and 12 point in footnotes. Lettering shall be on only one side of a page, except that exhibits and similar supporting documents, briefs, and reproduced records may be lettered on both sides of a page.

(5) Any metal fasteners or staples must be covered. Originals must be unbound. Copies must be firmly bound.

(6) No backers shall be necessary.

(b) *Nonconforming [papers] documents.*—The prothonotary of an appellate court may accept any nonconforming [**papers**] **documents**.

(c) *Copies.*—Except as otherwise prescribed by these rules[:

(1) An original of an application for continuance or advancement of a matter shall be filed.

(2) An original and three copies of any other application in the appellate courts shall be filed, but the court may require additional copies.]

, the number of copies of an application required to be filed may be found at each appellate court's respective web page at www.pacourts.us.

Official Note: The 2013 amendment increased the minimum text font size from 12 point to 14 point and added a minimum footnote font size of 12 point. This rule requires a clear and legible font. The Supreme, Superior, and Commonwealth Courts use Arial, Verdana, and Times New Roman, respectively, for their opinions. A brief using [**one**] **the respective court's font is preferred, but a brief using any** of these fonts will be satisfactory.

Rule 125. Electronic Filing.

(a) *PACFile exclusivity.*—Electronic filing of documents in the appellate courts shall be through the PACFile appellate court electronic filing system (PACFile).

(b) *PACFile rules.*—Electronic filing of documents shall be governed by [**Administrative Orders of the Supreme Court of Pennsylvania, which may be found at <http://ujportal.pacourts.us/refdocuments/judicialorder.pdf>**] **Pa.R.A.P.s 130—136.**

(c) *PACFile participation.*

(1) *General rule.*—Effective _____, _____, attorneys shall file and serve all documents required or permitted to be filed in an appellate court, except appeals pursuant to the Abortion Control Act under Pa.R.A.P. 3801—3814 or the Wiretap Act under 210 Pa. Code §§ 65.51—65.78 (relating to wiretaps), through the PACFile appellate court electronic filing system in accordance with Pa.R.A.P.s 130 through 136. Anyone proceeding without counsel may, but is not required to, file and serve all documents required or permitted to be filed in an appellate court through PACFile in accordance with Pa.R.A.P.s 125 and 130—136.

(2) *Exemption.*—Upon application and a showing of good cause, an appellate court may exempt an attorney from the provisions of Pa.R.A.P.s 130—136 and authorize the filing of paper documents.

Official Note: [This is an interim rule permitting electronic filing of documents in the Pennsylvania appellate courts. Initially, electronic filing will be available only in the Supreme Court. Subsequently, electronic filing will become available in the Superior and Commonwealth Courts. After experience is gained with electronic filing, the Pennsylvania Rules of Appellate Procedure will be amended where needed and as appropriate.] **PACFile participation for attorneys prior to the effective date set forth in paragraph (c)(2) is optional.**

Editor's Note: The following Rules 130—136 are proposed to be added and printed in regular type to enhance readability.)

ELECTRONIC FILING OF DOCUMENTS IN THE APPELLATE COURTS

Rule 130. Electronic Filing System Participation, Use, Access, and Fees.

(a) *Participation by attorneys.*—In order to use the PACFile appellate court electronic filing system (PACFile), an attorney must establish an account on the

UJS web portal: <http://ujportal.pacourts.us>. An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney's account.

(b) *Participation by those without counsel.*—PACFile will permit parties who are proceeding without counsel, *amicus curiae* proceeding without counsel, and prospective intervening parties who are proceeding without counsel to access their cases through an authorization process on the UJS web portal: <http://ujportal.pacourts.us>.

(c) *Use.*—Use of PACFile shall constitute the filer's certification of the following:

- (1) That the submission is authorized;
- (2) That the filer will accept electronic notice and service of other documents through PACFile; and
- (3) That the filer will accept e-mail service of advance text of briefs under Pa.R.A.P.s 2185(a) and (c), and 2187(b) if the record is being reproduced under Pa.R.A.P. 2154(b) (large records).

(d) *Access.*—Subject to the limits stated in paragraph (d)(4):

- (1) Attorneys registered with PACFile shall have access to all documents and filings in any case in which they have entered an appearance on behalf of a party or *amicus curiae*.
- (2) Parties proceeding without counsel who have been authorized to access their case through PACFile shall have access to all documents and filings in the case.
- (3) *Amicus curiae* proceeding without counsel who have been authorized to access a case through PACFile shall have access to all documents and filings in the case.
- (4) Any prospective party, with or without counsel, who has not been granted party status shall have access only to documents and filings related to the application to intervene.
- (5) The access to documents and filings provided for in this paragraph does not include access to documents submitted to a court *in camera*, and may not include access to confidential information and documents.

(e) *Fees.*—Applicable filing fees shall be paid electronically through procedures established by the appellate courts and the Administrative Office of Pennsylvania Courts, and at the same time and in the same amount as required by statute, court rule or order. In addition to the filing fees now applicable, a fee for use of PACFile shall be imposed. See 204 Pa. Code § 207.3.

Rule 131. Format and Content of Electronically Filed Documents.

(a) *General rule.*—The use of PACFile shall not affect the form or content of documents to be filed in the appellate courts. The applicable general rules of court and court policies that implement the rules shall continue to apply to all documents.

(b) *Format of electronically filed documents.*—Documents shall be presented for electronic filing in Portable Document Format (“.pdf”). When possible, documents should be electronically converted to .pdf.

(c) *Signatures.*—Signatures on electronically filed documents shall use the following form: */s/ Chris L. Smith.*

Official Note: Paragraph (b) expresses a preference that documents presented for electronic filing be electronically converted to .pdf rather than scanned to .pdf, when possible. There are two ways to create a .pdf: one is to scan a paper document on a commercial copier or

stand-alone scanner; the other is to convert the document to .pdf electronically with the word processing program itself, or using .pdf conversion software.

Rule 132. Electronic Filing and Service of Documents.

(a) *Electronic filing of documents.*

(1) Electronically filed documents shall be submitted through PACFile on the UJS web portal: <http://ujportal.pacourts.us>.

(2) Electronically filed documents may be submitted at any time, except when the UJS web portal is down for periodic maintenance. The submission of the electronically filed document must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day, unless the appellate court has otherwise directed that a document be filed by a specific time.

(b) *Service.*

(1) Service of electronically filed documents on attorneys who have established a UJS web portal account and on parties proceeding without counsel who have been authorized to access their cases through PACFile will be made automatically by PACFile. Service by PACFile shall be the official service copy.

(2) Service of electronically filed documents on any attorney who has not established a UJS web portal account and on parties proceeding without counsel who have not been authorized to access their cases through PACFile shall be made by the service methods permitted under Pa.R.A.P. 121(c).

(3) Original process shall be served in accordance with the general rules that authorize such service in a matter commenced in an appellate court.

(c) *Proof of service.*

(1) A proof of service for an electronically filed document will be generated automatically by PACFile, and will be served automatically by PACFile on attorneys who have established a UJS web portal account and on parties proceeding without counsel who have been authorized to access their cases through PACFile.

(2) A proof of service for an electronically filed document that is generated automatically by PACFile shall be served by the methods required under Pa.R.A.P. 121(c)(1) on any attorney who has not established a UJS web portal account and on any party proceeding without counsel who has not been authorized to access their case through PACFile.

(d) *Additional time after service of electronic filing.*—A party who is electronically served as a result of the submission of an electronically filed document and who is required or permitted to act within a prescribed period after service shall have three days added to the prescribed period to the same extent as a party who is required or permitted to do an act within a prescribed period after service of a paper document upon that party.

Official Note: Subparagraph (b)(3) is intended to prevent the possibility of default judgments due to a lack of monitoring of a PACFile account. Examples of methods of service otherwise specified include Pa.R.A.P. 1514(c) concerning service of petitions for review.

Rule 133. Filing, Receipt, Docketing, and Rejection of Electronically Filed Documents.

(a) *Filing.*—The time and date on which an electronically filed document is filed in PACFile shall be automati-

cally recorded by the system. The system shall provide an electronic acknowledgement of filing to the filer.

(b) *Provisional receipt*.—If an electronically filed document has a deficiency that is correctible, the system shall provide an automatically generated notice of provisional receipt, which shall instruct the filer to refile a corrected document within a specified time. If the filer refiles a corrected document within such time, the corrected document shall be treated as if originally filed on the date and time at which the provisionally accepted document was originally submitted to PACFile.

(c) *Receipt*.—The time and date on which an electronically filed document is received by the prothonotary shall be automatically recorded by PACFile, and the electronically filed document shall be given an electronic time-stamp showing the date and time of filing and the date and time of receipt.

(1) The system shall provide an electronic acknowledgement of the acceptance of the electronically filed document to the following:

- (i) the filer;
- (ii) other parties to the case, *amicus curiae*, and intervening parties with attorneys who have established a UJS web portal account; and
- (iii) other parties to the case, *amicus curiae*, and intervening parties proceeding without counsel who have been authorized to access their cases through PACFile.

(2) The electronic acknowledgement of the acceptance of the electronically filed document shall specify the number of paper versions of the electronically filed document required for filing to the appellate court pursuant to Pa.R.A.P. 134.

(d) *Rejection*.—If an electronically filed document is rejected by the prothonotary, the system shall provide an electronic notice of rejection to the filer specifying the reason for the rejection. A filer who files an electronically filed document that is rejected may seek appropriate relief.

Official Note: See Pa.R.A.P. 123 for the procedure to file an application for relief for a document rejected by PACFile pursuant to this rule. Practitioners may also contact PACFile Support through the UJS Portal Help Center at <https://ujsportal.pacourts.us/PortalSelfHelp.aspx> for help to correct the filing of a rejected document.

Rule 134. Required Submission of Paper Version of Electronically Filed Document.

Within seven days of the submission of any electronically filed document, the filer shall submit to the appellate court a paper version of the electronically filed document with as many copies as the court requires. The paper version of the electronically filed document shall be considered the original for archival purposes only.

Rule 135. Retention of Electronically Filed Documents by the Filer.

The original of a sworn or verified document requiring an original signature that is in an electronically filed document (for example, an affidavit) or is contained within an electronically filed document (for example, a verification) shall be maintained by the filer until two years after the entry of a final order, and shall be made available upon direction of the appellate court or reasonable request of the signatory or opposing party.

Rule 136. Electronic Court Notices.

The date of any notice generated by PACFile shall be noted on the docket of the court.

ARTICLE II. APPELLATE PROCEDURE
CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS
RECORD ON APPEAL FROM LOWER COURT

Rule 1921. Composition of Record on Appeal.

The original [**papers**] **documents** and exhibits filed in the lower court, paper copies of [**legal papers**] **documents** filed with the prothonotary by means of electronic filing, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the lower court shall constitute the record on appeal in all cases. In any appeal in which the record is electronically filed or transmitted through PACFile, the documents and filings electronically filed or transmitted thereby shall constitute original documents and exhibits.

Official Note: An appellate court may consider only the facts which have been duly certified in the record on appeal. *Commonwealth v. Young*, [**456 Pa. 102, 115**,] 317 A.2d 258, 264 (Pa. 1974). All involved in the appellate process have a duty to take steps necessary to assure that the appellate court has a complete record on appeal, so that the appellate court has the materials necessary to review the issues raised on appeal. Ultimate responsibility for a complete record rests with the party raising an issue that requires appellate court access to record materials. See, e.g., *Commonwealth v. Williams*, [**552 Pa. 451, 460**,] 715 A.2d 1101, 1106 (Pa. 1998) (addressing obligation of appellant to purchase transcript and ensure its transmission to the appellate court). [**Rule**] **Pa.R.A.P. 1931(c)** and (f) afford a “safe harbor” from waiver of issues based on an incomplete record. Parties may rely on the list of documents transmitted to the appellate court and served on the parties. If the list shows that the record transmitted is incomplete, the parties have an obligation to supplement the record pursuant to [**Rule**] **Pa.R.A.P. 1926** (correction or modification of the record) or other mechanisms in Chapter 19. If the list shows that the record transmitted is complete, but it is not, the omission shall not be a basis for the appellate court to find waiver. This principle is consistent with the Supreme Court’s determination in *Commonwealth v. Brown*, [**Pa.** ,] 52 A.3d 1139, 1145 n.4 (Pa. 2012) that where the accuracy of a pertinent document is undisputed, the Court could consider that document if it was in the Reproduced Record, even though it was not in the record that had been transmitted to the Court. Further, if the appellate court determines that something in the original record or otherwise presented to the trial court is necessary to decide the case and is not included in the certified record, the appellate court may, upon notice to the parties, request it from the trial court *sua sponte* and supplement the certified record following receipt of the missing item. See [**Rule**] **Pa.R.A.P. 1926** (correction or modification of the record).

Rule 1931. Transmission of the Record.

(a) *Time for transmission.*

(1) *General rule*.—Except as otherwise prescribed by this rule, the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 60 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided

by Pa.R.A.P. 1122 (allowance of appeal and transmission of record) or by Pa.R.A.P. 1322 (permission to appeal and transmission of record), as the case may be. The appellate court may shorten or extend the time prescribed by this paragraph for a class or classes of cases.

(2) *Children's fast track appeals.*—In a children's fast track appeal, the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 30 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 (allowance of appeal and transmission of record) or by Pa.R.A.P. 1322 (permission to appeal and transmission of record), as the case may be.

(b) *Duty of trial court.*—After a notice of appeal has been filed the judge who entered the order appealed from shall comply with Pa.R.A.P. 1925 (opinion in support of order), shall cause the official court reporter to comply with Pa.R.A.P. 1922 (transcription of notes of testimony) or shall otherwise settle a statement of the evidence or proceedings as prescribed by this chapter, and shall take any other action necessary to enable the clerk to assemble and transmit the record as prescribed by this rule.

(c) *Duty of clerk to transmit the record.*—When the record is complete for purposes of the appeal, the clerk of the lower court shall transmit it to the prothonotary of the appellate court. The clerk of the lower court shall number the documents comprising the record and shall transmit with the record a list of the documents correspondingly numbered and identified with sufficient specificity to allow the parties on appeal to identify each document and whether it is marked as confidential, so as to determine whether the record on appeal is complete. Any Confidential Information Forms and the "Unredacted Version" of any pleadings, documents, or other legal papers where a "Redacted Version" was also filed shall be separated either physically or electronically and transmitted to the appellate court. Whatever is confidential shall be labeled as such. If any case records or documents were sealed in the lower court, the list of documents comprising the record shall specifically identify such records or documents as having been sealed in the lower court. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he or she is directed to do so by a party or by the prothonotary of the appellate court. A party must make advance arrangements with the clerk for the transportation and receipt of exhibits of unusual bulk or weight. Transmission of the record is effected when the clerk of the lower court mails or otherwise forwards the record to the prothonotary of the appellate court. The clerk of the lower court shall indicate, by endorsement on the face of the record or otherwise, the date upon which the record is transmitted to the appellate court.

(d) *Service of the list of record documents.*—The clerk of the lower court shall, at the time of the transmittal of the record to the appellate court, mail a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.

(e) *Multiple appeals.*—Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single record, without duplication.

(f) *Inconsistency between list of record documents and documents actually transmitted.*—If the clerk of the lower

court fails to transmit to the appellate court all of the documents identified in the list of record documents, such failure shall be deemed a breakdown in processes of the court. Any omission shall be corrected promptly pursuant to Pa.R.A.P. 1926 (correction or modification of the record) and shall not be the basis for any penalty against a party.

(g) Electronic filing, transmission, and remand of records.—Records may be electronically filed, transmitted, and remanded through PACFile. The applicable general rules of court and court policies that implement the rules shall continue to apply to the filing, transmission, and remand of records on appeal regardless of whether a record is filed, transmitted, or remanded electronically through PACFile. The electronic filing or transmission of a record through PACFile by a court or other government unit to an appellate court shall not excuse the court or other government unit from submitting a paper version of the electronically filed or transmitted record to the appellate court should the appellate court require it.

(1) The electronic filing, transmission, or remand of a record through PACFile by a court or other government unit shall constitute the filing, transmission, or remand of the record under the Pennsylvania Rules of Appellate Procedure.

(2) The filing, transmission, or remand of a record through PACFile is effectuated when a court or other government unit utilizes PACFile to electronically file, transmit, or give notice of the remand or remittal of the record to a court or other government unit.

(3) The date of the electronic filing, transmission, or remand of a record through PACFile by a court or other government unit shall be noted on the docket of the filing, transmitting, or remanding court or other government unit, and on the docket of the receiving court or other government unit.

(4) Upon the electronic filing, transmission, or remand of a record through PACFile, the record shall be considered to be in the possession of the receiving court or other government unit until the record is electronically filed in, or transmitted to, another court or government unit, or notice of remand or remittal to another court or other government unit is given.

(5) If a Rule of Appellate Procedure or court policy requires that a court file, transmit, remand, or remit a record to another court or other government unit, the filing, transmission, or notice of remand or remittal to the receiving court or other government unit may also be effectuated through PACFile.

(6) Any documents or filings sealed in a court or other government unit may be electronically filed, transmitted, or remanded through PACFile only in a manner that restricts access to the sealed documents or filings to the court or other government unit and registered users of PACFile who are authorized to view the sealed documents or filings. Documents filed *in camera* in a court or other government unit may not be electronically filed or transmitted through PACFile.

(7) The appellate courts shall retain control over electronic access to records electronically filed or transmitted through PACFile, and may permit such electronic access in whole or in part.

Official Note: Pa.R.A.P. 1926 (correction or modification of the record) provides the means to resolve any disagreement between the parties as to what should be included in the record on appeal.

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

FORM OF BRIEFS AND REPRODUCED RECORD

Rule 2173. Numbering of Pages.

[Except as provided in Rule 2174 (tables of contents and citations), the] All pages of briefs, the reproduced record, and any supplemental reproduced record shall be numbered [separately] consecutively, starting with the cover page. The pages shall be numbered in Arabic figures [and not in Roman numerals]: thus 1, 2, 3, etc., followed in the reproduced record by a small a, thus 1a, 2a, 3a, etc., and followed in any supplemental reproduced record by a small b, thus 1b, 2b, 3b, etc. Where the reproduced record is bound in more than one volume, there shall be one continuous paging, regardless of the division into volumes.

[**Official Note:** Based on former Supreme Court Rules 37 (part) and 38 (first clause), former Superior Court Rules 29 (part) and 30 (first clause), and former Commonwealth Court Rules 83 (part) and 84, without change in substance.]

Rule 2174. Tables of Contents and Citations.

(a) *Tables of contents.*—The briefs and the reproduced record shall each contain a full and complete table of contents, set forth [**either on the inside of the front cover or**] on the first and immediately succeeding pages. The table of contents of the reproduced record, in addition to the material otherwise specified in this chapter, shall include a reference to all reproduced exhibits, indicating what each is, and the names of witnesses, indicating where the examination, cross-examination, and re-examination of each begin. Where the reproduced record is bound in more than one volume, there shall be but one table of contents which shall indicate in which volume each particular part of the record will be found. The combined table of contents ordinarily shall be set forth in full at the front of each volume, but where the combined table of contents is itself voluminous, a cross reference at the front of the second and subsequent volumes to the combined table of contents at the front of the first volume may be substituted for the text of the combined table of contents.

(b) *Tables of citations.*—All briefs shall contain a table of citations therein, arranged alphabetically, which shall be set forth immediately following the table of contents.

[(c) *Paging of introductory tables.*—The pages of the tables specified in this rule need not be numbered, but if numbered shall be numbered in Roman numerals: thus i, ii, iii, etc.]

Official Note: Based on former Supreme Court Rule 37, former Superior Court Rule 29 and former Commonwealth Court Rule 83. The rule substitutes the term “table of contents” for the incorrect term “index,” authorizes the optional practice of beginning the table of contents on the face-up page (rather than inside the front cover) and authorizes Roman numbering the introductory pages.]

EXPLANATORY COMMENT

In 2012, the Supreme Court of Pennsylvania adopted Pa.R.A.P. 125 as an interim rule authorizing electronic

filing of documents through the Pennsylvania Appellate Courts electronic filing system (PACFile). The administrative order accompanying the adoption of Pa.R.A.P. 125 has governed the procedures for electronic filing in lieu of procedural rules in order to develop the system and gain experience with electronic filing in the appellate courts. Initially permitting the electronic filing of documents in the Supreme Court, the Commonwealth Court began accepting electronically filed documents in 2014, with the Superior Court following in 2015. An additional order prescribing procedures for the transmission of the record electronically was also adopted in 2015. With extensive experience now gained, the Appellate Court Procedural Rules Committee is proposing the adoption of Pa.R.A.P.s 130 through 136 and the amendment of Pa.R.A.P.s 121, 122, 124, 125, 1921, 2173, and 2174 to govern electronic filing in the appellate courts.

To accommodate PACFile, the Committee first proposes amendment of current Rules of Appellate Procedure governing the filing and service of paper documents. Pa.R.A.P.s 121 (filing and service) and 122 (content and form of proof of service) would be amended to limit the application of those procedures to paper documents only. Pa.R.A.P. 124 (form of papers) would also be amended to provide uniform requirements for documents filed with the appellate courts, regardless of whether a document is filed as a paper document or an electronic document.

Pa.R.A.P. 125 is proposed to be amended to set forth in separate paragraphs that PACFile is the exclusive electronic filing system and to reference the rules governing the electronic filing of documents. Paragraph (c) would be added to mandate the use of PACFile by attorneys at a date certain, which would result in the discontinuation of paper filing pursuant to Pa.R.A.P. 121 with the exception of attorneys for good cause and *pro se* litigants. The effective date for mandatory participation is anticipated to be no less than twelve months after the adoption of the other proposed amendments. The Committee solicits feedback on the proposed twelve-month period until participation is mandated.

Concerning the use of PACFile, this proposal is intended to codify current practice. New Pa.R.A.P.s 130 through 136 address several aspects of the PACFile system: participation by attorneys and those parties without counsel, form and handling of documents, enumeration of the responsibilities of the prothonotary's office and the parties, and electronic service by PACFile. Of particular note, Pa.R.A.P. 130(d) would provide *amicus curiae* access though PACFile to all documents and filings in a case.

The proposed recommendation also addresses transmission of the electronic record on appeal, which the Supreme Court previously implemented pursuant to an administrative order dated November 13, 2015. To codify the provisions of that order, Pa.R.A.P. 1921 (composition of record on appeal) would be amended to specify that any documents electronically filed or transmitted through PACFile shall constitute the original documents and exhibits. New paragraph (g) in Pa.R.A.P. 1931 (transmission of the record) would authorize the electronic filing, transmission, and remand of records through PACFile. Further, that amendment would require the notation of the date of electronic filing, transmission, or remand of a record through PACFile, clarify which court has possession of the record under the rules, specify the restrictions on transmitting sealed documents that are part of the record, and continue to prohibit the electronic filing or transmission of any documents through PACFile that have been filed *in camera*.

Proposed amendments to Pa.R.A.P. 2173 (numbering of pages) and Pa.R.A.P. 2174 (tables of contents and citations) would be made to accommodate electronic filing.

[Pa.B. Doc. No. 19-253. Filed for public inspection February 22, 2019, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 17]

Order Amending Rules 1732 and 1781 of the Pennsylvania Rules of Appellate Procedure; No. 277 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 8th day of February, 2019, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1732 and 1781 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 April 1, 2019.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

STAY OR INJUNCTION IN CIVIL MATTERS

Rule 1732. Application for Stay or Injunction Pending Appeal.

(a) *Application to trial court.*—Application for a stay of an order of a trial court pending appeal, or for approval of or modification of the terms of any *supersedeas*, or for an order suspending, modifying, restoring, or granting an injunction during the pendency of an appeal, or for relief in the nature of peremptory mandamus, must ordinarily be made in the first instance to the trial court, except where a prior order under this chapter has been entered in the matter by the appellate court or a judge thereof.

(b) *Contents of application for stay.*—An application for stay of an order of a trial court pending appeal, or for approval of or modification of the terms of any *supersedeas*, or for an order suspending, modifying, restoring, or granting an injunction during the pendency of an appeal, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the trial court for the relief sought is not practicable, or that the trial court has denied an application, or has failed to afford the relief which the applicant requested, with the reasons given by the trial court for its action. The application shall also show the reasons for the

relief requested and the facts relied upon, and if the facts are subject to dispute the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts of the record as are relevant. Where practicable, the application should be accompanied by the briefs, if any, used in the trial court. The application shall contain the certificate of compliance required by Pa.R.A.P. 127.

(c) *Number of copies.*—Seven copies of applications under this rule in the Supreme Court or the Superior Court, and three copies of applications under this rule in the Commonwealth Court, shall be filed with the original.

Official Note: [The subject matter of this rule was covered by former Supreme Court Rule 62, former Superior Court Rule 53, and former Commonwealth Court Rule 112. The flat seven day period for answer of former Supreme Court Rule 62 (which presumably was principally directed at allocatur practice) has been omitted in favor of the more flexible provisions of Pa.R.A.P. 123(b).]

See generally *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 467 A.2d 805 (Pa. 1983), for the criteria for the issuance of a stay pending appeal.

STAY PENDING ACTION ON PETITION FOR REVIEW

Rule 1781. Stay Pending Action on Petition for Review.

(a) *Application to government unit.*—Application for a stay or *supersedeas* of an order or other determination of any government unit pending review in an appellate court on petition for review shall ordinarily be made in the first instance to the government unit.

(b) *Contents of application for stay or supersedeas.*—An application for stay or *supersedeas* of an order or other determination of a government unit, or for an order granting an injunction pending review, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the government unit for the relief sought is not practicable, or that application has been made to the government unit and denied, with the reasons given by it for the denial, or that the action of the government unit did not afford the relief which the applicant had requested. The application shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts, if any, of the record as are relevant to the relief sought. The application shall contain the certificate of compliance required by Pa.R.A.P. 127.

(c) *Notice and action by court.*—Upon such notice to the government unit as is required by Pa.R.A.P. 123 (applications for relief) the appellate court, or a judge thereof, may grant an order of stay or *supersedeas*, including the grant of an injunction pending review or relief in the nature of peremptory mandamus, upon such terms and conditions, including the filing of security, as the court or the judge thereof may prescribe. Where a statute requires that security be filed as a condition to obtaining a *supersedeas*, the court shall require adequate security.

Official Note: See generally Pennsylvania Public Utility Commission v. Process Gas Consumers Group, 467 A.2d 805 (Pa. 1983), for the criteria for the issuance of a stay pending appeal.

[Pa.B. Doc. No. 19-254. Filed for public inspection February 22, 2019, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4 AND 5]

Proposed Revisions of the Comments to Pa.Rs.Crim.P. 458, 460, 462 and 546

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the revision of the Comments to Rules 458 (Dismissal in Summary Cases upon Satisfaction or Agreement), 460 (Notice of Appeal), 462 (Trial *De Novo*), and 546 (Dismissal Upon Satisfaction Or Agreement) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635
fax: (717) 231-9521
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, April 26, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural Rules Committee

BRIAN W. PERRY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART E. General Procedures in Summary Cases Rule 458. Dismissal In Summary Cases Upon Satisfaction or Agreement.

(A) When a defendant is charged with a summary offense, the issuing authority may dismiss the case upon a showing that:

- (1) the public interest will not be adversely affected;
 - (2) the attorney for the Commonwealth, or in cases in which no attorney for the Commonwealth is present at the summary proceeding, the affiant, consents to the dismissal;
 - (3) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and
 - (4) there is an agreement as to who shall pay the costs.
- (B) When an issuing authority dismisses a case pursuant to paragraph (A), the issuing authority shall record the dismissal on the transcript.

Comment

This rule permits an issuing authority to dismiss a summary case when the provisions of paragraph (A) are satisfied.

Paragraphs (A)(1) through (4) set forth those criteria that a defendant must satisfy before the issuing authority has the discretion to dismiss the case under this rule.

The requirement in paragraph (A)(2) that, when the attorney for the Commonwealth is present at the summary proceeding, he or she must consent to the dismissal, is one of the criteria, along with the other enumerated criteria, which gives the issuing authority discretion to dismiss a case under this rule, even when the affiant refuses to consent.

The requirement in paragraph (B) that the issuing authority include in the transcript of the case the fact that he or she dismissed the case is intended to ensure that an adequate record is made of any dismissals under this rule.

This rule also provides the authority for a court of common pleas judge to dismiss upon satisfaction or agreement a summary case, as defined in Rule 103, that has been appealed to the court of common pleas.

For dismissal upon satisfaction or agreement in a court case charging a misdemeanor that is pending before an issuing authority, see Rule 546.

For dismissal upon satisfaction or agreement by a judge of the court of common pleas **in court cases**, see Rule 586.

Official Note: Rule 88 adopted April 18, 1997, effective July 1, 1997; renumbered Rule 458 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revise** , 2019, effective , 2019.

Committee Explanatory Reports:

Final Report explaining the provisions of new Rule 88 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Report explaining the Comment revisions regarding dismissal by agreement of summary cases in the common pleas court published for comment at 49 Pa.B. 837 (February 23, 2019).

PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial *De Novo*

Rule 460. Notice of Appeal.

(A) When an appeal is authorized by law in a summary proceeding, including an appeal following a prosecution

for violation of a municipal ordinance that provides for imprisonment upon conviction or upon failure to pay a fine, an appeal shall be perfected by filing a notice of appeal within 30 days after the entry of the guilty plea, the conviction, or other final order from which the appeal is taken. The notice of appeal shall be filed with the clerk of courts.

(B) The notice of appeal shall contain the following information:

- (1) the name and address of the appellant;
- (2) the name and address of the issuing authority who accepted the guilty plea or heard the case;
- (3) the magisterial district number in which the case was heard;
- (4) the name and mailing address of the affiant as shown on the complaint or citation;
- (5) the date of the entry of the guilty plea, the conviction, or other final order from which the appeal is taken;
- (6) the offense(s) of which convicted or to which a guilty plea was entered, if any;
- (7) the sentence imposed, and if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;
- (8) the type or amount of bail or collateral, if any, furnished to the issuing authority;
- (9) the name and address of the attorney, if any, filing the notice of appeal; and
- (10) except when the appeal is from a guilty plea or a conviction, the grounds relied upon for appeal.

(C) Within 5 days after filing the notice of appeal, a copy shall be served either personally or by mail by the clerk of courts upon the issuing authority, the affiant, and the appellee or appellee's attorney, if any.

(D) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
- (2) the original complaint or citation, if any;
- (3) the summons or warrant of arrest, if any; and
- (4) the bail bond, if any.

(E) This rule shall provide the exclusive means of appealing from a summary guilty plea or conviction. Courts of common pleas shall not issue writs of *certiorari* in such cases.

(F) This rule shall not apply to appeals from contempt adjudications.

Comment

This rule is derived from former Rule 86(A), (D), (E), (F), (H), and (I).

This rule applies to appeals in all summary proceedings, including appeals from prosecutions for violations of municipal ordinances that provide for the possibility of imprisonment, and default hearings.

This rule was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial *de novo* following the entry of a guilty plea.

Appeals from contempt adjudications are governed by Rule 141.

The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.

See Rule 461 for the procedures for executing a sentence of imprisonment when there is a stay.

"Entry," as used in this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the magisterial district judge computer system.

When the only issues on appeal arise solely from an issuing authority's determination after a default hearing pursuant to Rule 456, the matter must be heard *de novo* by the appropriate judge of the court of common pleas and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

Paragraph (D) was amended in 2003 to align this rule with Rule 401(A), which permits the electronic transmission of parking violation information in lieu of filing a citation. Therefore, in electronically transmitted parking violation cases only, because there is no original citation, the issuing authority would file the summons with the clerk of courts pursuant to paragraph (D)(3).

Rule 462(D) provides for the dismissal of an appeal when the defendant fails to appear for the trial *de novo*.

See Rule 462(F) regarding the retention of a case at the court of common pleas when a petition to file an appeal *nunc pro tunc* has been denied.

Certiorari was abolished by the Criminal Rules in 1973 pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of *certiorari* continues with this rule.

Nothing in this rule prevents a dismissal upon satisfaction or agreement in summary cases pursuant to Rule 458 when an appeal has been filed.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; Comment revised February 28, 2003, effective July 1, 2003; Comment revised December 29, 2017, effective April 1, 2018; **Comment revised** , 2019, effective , 2019.

Committee Explanatory Reports:

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order 30 Pa.B. 1509 (March 18, 2002).

New Rule 460:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 460 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the February 6, 2003 changes concerning electronically transmitted parking citations published at 33 Pa.B. 973 (February 22, 2003).

Final Report explaining the February 28, 2003 Comment revision cross-referencing Rule 461 published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Final Report explaining the December 29, 2017 Comment revision cross-referencing Rule 462(F) published with the Court's Order at 48 Pa.B. 226 (January 13, 2018).

Report explaining the Comment revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published for comment at 49 Pa.B. 837 (February 23, 2019).

Rule 462. Trial De Novo.

(A) When a defendant appeals after the entry of a guilty plea or a conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard *de novo* by the judge of the court of common pleas sitting without a jury.

(B) The attorney for the Commonwealth may appear and assume charge of the prosecution. When the violation of an ordinance of a municipality is charged, an attorney representing that municipality, with the consent of the attorney for the Commonwealth, may appear and assume charge of the prosecution. When no attorney appears on behalf of the Commonwealth, the affiant may be permitted to ask questions of any witness who testifies.

(C) In appeals from summary proceedings arising under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(1) the defendant waives the presence of the law enforcement officer in open court on the record;

(2) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant if proceeding *pro se*, with the clerk of courts; or

(3) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

(D) If the defendant fails to appear, the trial judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.

(E) If the defendant withdraws the appeal, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.

(F) If the defendant has petitioned the trial judge to permit the taking of an appeal *nunc pro tunc* and this petition is denied, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.

(G) The verdict and sentence, if any, shall be announced in open court immediately upon the conclusion of the trial, or, in cases in which the defendant may be sentenced to intermediate punishment, the trial judge may delay the proceedings pending confirmation of the defendant's eligibility for intermediate punishment.

(H) At the time of sentencing, the trial judge shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state:

(a) the amount of the fine and the obligation to pay costs;

(b) the amount of restitution ordered, including

(i) the identity of the payee(s),

(ii) to whom the restitution payment shall be made, and

(iii) whether any restitution has been paid and in what amount; and

(c) the date on which payment is due.

If the defendant is without the financial means to pay the amount in a single remittance, the trial judge may provide for installment payments and shall state the date on which each installment is due;

(2) advise the defendant of the right to appeal to the Superior Court within 30 days of the imposition of sentence, and that, if an appeal is filed, the execution of sentence will be stayed and the trial judge may set bail;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(4) issue a written order imposing sentence, signed by the trial judge. The order shall include the information specified in paragraphs (H)(1) through (H)(3), and a copy of the order shall be given to the defendant.

(I) After sentence is imposed by the trial judge, the case shall remain in the court of common pleas for the execution of sentence, including the collection of any fine and restitution, and for the collection of any costs.

Comment

This rule is derived from former Rule 86(G) and former Rule 1117(c).

This rule was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial *de novo* following the entry of a guilty plea.

"Entry," as used in paragraph (A) of this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the magisterial district judge computer system.

The procedures for conducting the trial *de novo* in the court of common pleas set forth in paragraphs (B), (G), and (H) are comparable to the summary case trial procedures in Rule 454 (Trial in Summary Cases).

Pursuant to paragraph (B), the decision whether to appear and assume control of the prosecution of the trial *de novo* is solely within the discretion of the attorney for the Commonwealth. When no attorney appears at the trial *de novo* on behalf of the Commonwealth or a municipality, the trial judge may ask questions of any witness who testifies, and the affiant may request the trial judge to ask specific questions. In the appropriate circumstances, the trial judge also may permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the trial judge.

The provisions of paragraph (C) that permit the court to continue the case if there is good cause for the officer's unavailability were added in response to *Commonwealth v. Hightower*, 652 A.2d 873 (Pa. Super. 1995).

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial *de novo*. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.

New paragraph (F) was added in 2017 to clarify that in a case in which a defendant seeks to file an appeal *nunc pro tunc*, and the common pleas judge denies that petition, the case will remain at the court of common pleas. This is consistent with the long-standing policy under the rules that once a case has moved from the minor judiciary to the court of common pleas, the case remains at common pleas.

Paragraph (G) was amended in 2008 to permit a trial judge to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension), but only if he or she meets certain eligibility requirements, such as undergoing a drug and alcohol assessment. Potentially this information may not be available to the trial judge following a trial *de novo* at the time of sentencing.

Pursuant to paragraph (H), if the defendant is convicted, the trial judge must impose sentence, and advise the defendant of the payment schedule, if any, and the defendant's appeal rights. See Rule 704(A)(3) and Rule 720(D). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002), *Scott v. Illinois*, 440 U.S. 367 (1979), and *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

Certain costs are mandatory and must be imposed. See, e.g., Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101.

Once sentence is imposed, paragraph (I) makes it clear that the case is to remain in the court of common pleas for execution of the sentence and collection of any costs, and the case may not be returned to the magisterial district judge. The execution of sentence includes the collection of any fines and restitution.

Nothing in this rule prevents a dismissal upon satisfaction or agreement in summary cases pursuant to Rule 458 when an appeal has been filed.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

For the procedures for appeals from the Philadelphia Municipal Court Traffic Division, see Rule 1037.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007; amended December 16, 2008, effective February 1, 2009; Comment revised October 16, 2009, effective February 1, 2010; Comment revised May 7, 2014, effective immediately; amended March 9, 2016, effective July 1, 2016; amended December 29, 2017, effective April 1, 2018; **Comment revised** , **2019, effective** , **2019.**

Committee Explanatory Reports:

FORMER RULE 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 concerning stays published with the Court's Order at 27 Pa.B. 5413 (October 18, 1997).

Final Report explaining the May 14, 1999 amendments to former Rule 86, paragraph (G), concerning the police officer's presence published with the Court's Order at 29 Pa.B. 2776 (May 29, 1999).

NEW RULE 462:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 462 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order at 30 Pa.B. 1508 (March 18, 2000).

Final Report explaining the February 28, 2003 amendments published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Final Report explaining the March 26, 2004 Comment revision published with the Court's Order at 34 Pa.B. 1931 (April 10, 2004).

Final Report explaining the January 18, 2007 amendment to paragraph (G)(2) published with the Court's Order at 37 Pa.B. 526 (February 3, 2007).

Final Report explaining the December 16, 2008 amendments to permit delay in sentencing for determination of intermediate punishment status published with the Court's Order at 39 Pa.B. 8 (January 3, 2009).

Final Report explaining the October 16, 2009 Comment revision regarding new Rule 1037 and procedures for the

appeal from the Philadelphia Traffic Court published with the Court's Order at 39 Pa.B. 6329 (October 31, 2009).

Final Report explaining the May 7, 2014 Comment revision changing the cross-reference to the Philadelphia Traffic Court to the Traffic Division of the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3056 (May 24, 2014).

Final Report explaining the March 9, 2016 amendments to paragraph (G) concerning required elements of the sentence published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

Final Report explaining the December 29, 2017 amendments regarding appeals *nunc pro tunc* published with the Court's Order at 48 Pa.B. 226 (January 13, 2018).

Report explaining the Comment revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published for comment at 49 Pa.B. 837 (February 23, 2019).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 546. Dismissal Upon Satisfaction or Agreement.

When a defendant is charged in a case in which the most serious offense charged is a misdemeanor, the issuing authority may dismiss the case upon a showing that:

- (1) the public interest will not be adversely affected;
- (2) the attorney for the Commonwealth, or in cases in which there is no attorney for the Commonwealth present, the affiant, consents to the dismissal;
- (3) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and
- (4) there is an agreement as to who shall pay the costs.

Comment

Paragraphs (1) through (4) set forth those criteria that a defendant must satisfy before the issuing authority has the discretion to dismiss the case under this rule.

The requirement in paragraph (2) that, when the attorney for the Commonwealth is present, he or she must consent to the dismissal, is one of the criteria that, along with the other enumerated criteria, gives the issuing authority discretion to dismiss, even when the affiant refuses to consent.

A dismissal of the case pursuant to this rule is a dismissal of all the charges, including any summary offenses that have been joined with the misdemeanor(s) and are part of the case. *See* the Comment to Rule 502 (Instituting Proceedings In Court Cases) (when a misdemeanor, felony, or murder is charged with a summary offense in the same complaint, the case should proceed as a court case under Chapter 5 Part B). *See also* Rule 551 (Withdrawal of Charges Pending Before Issuing Authority) that permits the attorney for the Commonwealth to withdraw one or more of the charges.

For dismissal upon satisfaction or agreement in summary cases **by an issuing authority, including a judge of the court of common pleas when the summary case has been appealed to the court of common pleas**, see Rule 458.

For court dismissal upon satisfaction or agreement, see Rule 586.

Official Note: Formerly Rule 121, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 145 and amended September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended April 18, 1997, effective July 1, 1997; renumbered Rule 546 and amended March 1, 2000, effective April 1, 2001; amended March 9, 2006, effective September 1, 2006; **Comment revise , 2019, effective , 2019.**

Committee Explanatory Reports:

Final Report explaining the April 18, 1997 amendments aligning the rule with Rule 458 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 9, 2006 amendments to the first paragraph and the Comment published with the Court's Order at 36 Pa.B. 1392 (March 25, 2006).

Report explaining the Comment revisions regarding dismissal by agreement of summary cases in the common pleas court published for comment at 49 Pa.B. 837 (February 23, 2019).

REPORT

Proposed Revisions of the Comments to Pa.Rs.Crim.P. 458, 460, 462, and 546

Dismissal by Agreement of Summary Cases in the Court of Common Pleas

The Committee was presented with a question regarding the proper rule authority to dismiss a summary case upon agreement when the case is on appeal to the court of common pleas. Rule 458 (Dismissal in Summary Cases upon Satisfaction or Agreement) and Rule 586 (Court Dismissal upon Satisfaction or Agreement) both provide procedures for the dismissal of cases upon agreement of the parties. While the language in Rule 586 does not appear to limit itself to non-summary offenses, the Comment following the Rule appears to suggest that only summary offenses joined to a court case can be dismissed pursuant to the Rule, "(i)f a summary offense is joined with a misdemeanor, felony, or murder charge, and therefore is part of the court case, a dismissal of the case pursuant to this rule may include a dismissal of the summary offense." Rule 458 is clearly applicable to summary offenses, but the Comment provides, "(f)or dismissal upon satisfaction or agreement by a judge of the court of common pleas, see Rule 586."

It was this latter Comment terminology that resulted in the confusion that gave rise to this question. There is an unpublished Superior Court case, *Commonwealth v. Gonder*, 2015 WL 7721790 (Pa. Super. 2015), that held that a common pleas judge could not dismiss under Rule 458 because it only applied to magisterial district judges. However, the facts of *Gonder* involve a situation more akin to a *nolle pros* rather than a true dismissal upon agreement. Additionally, the Committee believes that the Superior Court may have read the rule too narrowly and missed the broader definition of "issuing authority" that is broader in meaning than magisterial district judges. The language in the Rule 458 Comment has been in place since 1983 and may reflect older terminology where court cases were intended.

The Committee examined the history of the two rules as well as that of Rule 546 (Dismissal upon Satisfaction or Agreement). Rule 546 provides for dismissal upon agreement in court cases by an issuing authority, presumably occurring before or at the time of the preliminary hearing. Rule 586 represents a similar dismissal when the court case is at the court of common pleas. The Comment to Rule 546 states, "For dismissal upon satisfaction or agreement in summary cases, see Rule 458" without distinction to the type of judge approving the dismissal. Looking at the three rules in conjunction, the Committee concluded that Rules 546 and 586 were intended to cover dismissals of court cases while Rule 458 was intended cover dismissals in summary cases. The omission of a mention of summary appeals may have been an oversight or a belief that dismissals by agreement after a summary case had been appealed to the court of common pleas were rare occurrences. Additionally, Chapter 5 is the portion of the rules that deal with court cases. Placing the procedure for the resolution of summary cases in that chapter would be an anomaly, especially considering that appeals to the common pleas court are contained in Chapter 4, e.g. Rule 462 (Trial *De Novo*).

Therefore, the Committee is proposing that the Comments to Rules 458 and 546 be revised to reflect that summary cases appealed to the common pleas court that are dismissed by agreement are governed by Rule 458. Additionally, the Comments to Rules 460 (Notice of Appeal) and 462 (Trial *De Novo*) would be revised to state, "Nothing in this rule prevents a dismissal upon satisfaction or agreement in summary cases pursuant to Rule 458 when an appeal has been filed."

[Pa.B. Doc. No. 19-255. Filed for public inspection February 22, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BRADFORD COUNTY

Local Rules of Judicial Administration; No. 2019IR0009

Order

And Now, this 11th day of February, 2019, it is hereby *Ordered* and *Decreed* that Bradford County Court of Common Pleas amends Local Rule of Judicial Administration, Rule 4007(A) governing requests for transcripts for the 42nd Judicial District to read as set forth hereafter and shall be effective thirty (30) days after publication.

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

1) File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website after publication in the *Pennsylvania Bulletin*.

4) Forward one (1) paper copy and/or (1) electronic copy in a Microsoft Word format for the publication *Bradford County Law Journal*.

5) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

6) The effective date of the local rule shall be 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

MAUREEN T. BEIRNE,
President Judge

LOCAL RULES OF JUDICIAL ADMINISTRATION

Rule 4007(A) Requests for Transcripts is amended as follows:

Rule 4007(A). Requests for Transcripts.

(A) All requests for transcripts shall be set forth on the standardized form as approved by the Administrative Office of Pennsylvania Courts as provided by the Bradford County Court Administrator. This form may be obtained from Bradford County Court Administrator's Office or on the county website when available.

(B) Requesters may also use the standardized form as created by the Court Administrator of Pennsylvania.

[Pa.B. Doc. No. 19-256. Filed for public inspection February 22, 2019, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

SUZANNE E. PRICE,
Attorney Registrar

Financial Institutions Approved as Depositories of Trust Accounts of Attorneys

Bank Code A.

595	Abacus Federal Savings Bank
2	ACNB BANK
613	Allegent Community Federal Credit Union
375	Altoona First Savings Bank
376	Ambler Savings Bank
532	AMERICAN BANK (PA)
615	Americhoice Federal Credit Union
116	AMERISERV FINANCIAL
648	Andover Bank (The)
377	Apollo Trust Company

Bank Code B.

558	Bancorp Bank (The)
485	Bank of America, NA
415	Bank of Landisburg (The)
642	BB & T Company
519	Beaver Valley Federal Credit Union
501	BELCO Community Credit Union
397	Beneficial Bank
652	Berkshire Bank
5	BNY Mellon, NA
392	BRENTWOOD BANK

495 Brown Brothers Harriman Trust Co., NA
161 Bryn Mawr Trust Company (The)

Bank Code C.

654 CACL Federal Credit Union
618 Capital Bank, NA
16 CBT Bank, a division of Riverview Bank
136 Centric Bank
394 CFS BANK
623 Chemung Canal Trust Company
599 Citibank, NA
238 Citizens & Northern Bank
561 Citizens Bank (PA)
206 Citizens Savings Bank
602 City National Bank of New Jersey
576 Clarion County Community Bank
660 Clarion Federal Credit Union
591 Clearview Federal Credit Union
23 CNB Bank
354 Coatesville Savings Bank
223 Commercial Bank & Trust of PA
21 Community Bank (PA)
371 Community Bank, NA (NY)
132 Community State Bank of Orbisonia
647 CONGRESSIONAL BANK
380 County Savings Bank
617 Covenant Bank
536 Customers Bank

Bank Code D.

339 Dime Bank (The)
239 DNB First, NA
27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
567 Embassy Bank for the Lehigh Valley
541 ENTERPRISE BANK
28 Ephrata National Bank
601 Esquire Bank, NA
340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
158 1st Summit Bank
31 F & M Trust Company—Chambersburg
658 Farmers National Bank of Canfield
205 Farmers National Bank of Emlenton (The)
34 Fidelity Deposit & Discount Bank (The)
**343 FIDELITY SAVINGS & LOAN ASSOCIATION
OF BUCKS COUNTY**
583 Fifth Third Bank
643 First Bank
174 First Citizens Community Bank
191 First Columbia Bank & Trust Company
539 First Commonwealth Bank
46 First Community Bank of Mercersburg
504 First Federal S & L Association of Greene
County
525 First Heritage Federal Credit Union
42 First Keystone Community Bank
51 First National Bank & Trust Company of
Newtown (The)
48 First National Bank of Pennsylvania
426 First Northern Bank & Trust Company
604 First Priority Bank, a division of Mid Penn
Bank
592 FIRST RESOURCE BANK
657 First United Bank & Trust
408 First United National Bank

151 Firsttrust Savings Bank
416 Fleetwood Bank
175 FNCB Bank
291 Fox Chase Bank
241 Franklin Mint Federal Credit Union
639 Freedom Credit Union
58 FULTON BANK, NA

Bank Code G.

499 Gratz Bank (The)
498 Greenville Savings Bank

Bank Code H.

402 Halifax Branch, of Riverview Bank
244 Hamlin Bank & Trust Company
362 Harleysville Savings Bank
363 Hatboro Federal Savings
463 Haverford Trust Company (The)
655 Home Savings Bank
606 Hometown Bank of Pennsylvania
68 Honesdale National Bank (The)
350 HSBC Bank USA, NA
364 HUNTINGDON VALLEY BANK
605 Huntington National Bank (The)
608 Hyperion Bank

Bank Code I.

365 InFirst Bank
557 Investment Savings Bank
526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
127 Jim Thorpe Neighborhood Bank
488 Jonestown Bank & Trust Company
659 JPMorgan Chase Bank, NA
72 JUNIATA VALLEY BANK (THE)

Bank Code K.

651 KeyBank NA
414 Kish Bank

Bank Code L.

74 LAFAYETTE AMBASSADOR BANK
554 Landmark Community Bank
78 Luzerne Bank

Bank Code M.

361 M & T Bank
386 Malvern Federal Savings Bank
510 Marion Center Bank
387 Marquette Savings Bank
81 Mars Bank
43 Marysville Branch, of Riverview Bank
367 Mauch Chunk Trust Company
619 MB Financial Bank, NA
511 MCS (Mifflin County Savings) Bank
641 Members 1st Federal Credit Union
555 Mercer County State Bank
192 Merchants Bank of Bangor
610 Meridian Bank
420 Meyersdale Branch, of Riverview Bank
294 MID PENN BANK
276 MIFFLINBURG BANK & TRUST COMPANY
457 Milton Savings Bank
614 Monument Bank
**596 MOREBANK, A DIVISION OF BANK OF
PRINCETON (THE)**
484 MUNCY BANK & TRUST COMPANY (THE)

Bank Code N.

433	National Bank of Malvern
168	NBT Bank, NA
347	Neffs National Bank (The)
434	NEW TRIPOLI BANK
15	NexTier Bank, NA
636	Noah Bank
638	Norristown Bell Credit Union
439	Northumberland National Bank (The)
93	Northwest Bank

Bank Code O.

653	OceanFirst Bank
489	OMEGA Federal Credit Union
94	Orrstown Bank

Bank Code P.

598	PARKE BANK
584	Parkview Community Federal Credit Union
40	Penn Community Bank
540	PennCrest Bank
419	Pennian Bank
447	Peoples Security Bank & Trust Company
99	PeoplesBank, a Codorus Valley Company
556	Philadelphia Federal Credit Union
448	Phoenixville Federal Bank & Trust
79	PNC Bank, NA
449	Port Richmond Savings
451	Progressive-Home Federal Savings & Loan Association
637	Provident Bank
456	Prudential Savings Bank
491	PS Bank

Bank Code Q.

107	QNB Bank
560	Quaint Oak Bank

Bank Code R.

452	Reliance Savings Bank
220	Republic First Bank d/b/a Republic Bank
628	Riverview Bank

Bank Code S.

153	S & T Bank
316	Santander Bank, NA
460	Second Federal S & L Association of Philadelphia
646	Service 1st Federal Credit Union
458	Sharon Bank
462	Slovenian Savings & Loan Association of Franklin-Conemaugh
486	SOMERSET TRUST COMPANY
633	SSB Bank
518	STANDARD BANK, PASB
542	Stonebridge Bank
440	SunTrust Bank
122	SUSQUEHANNA COMMUNITY BANK

Bank Code T.

143	TD Bank, NA
656	TIOGA FRANKLIN SAVINGS BANK
182	TOMPKINS VIST BANK
609	Tristate Capital Bank

640	TruMark Financial Credit Union
467	Turbotville National Bank (The)

Bank Code U.

483	UNB Bank
481	Union Building and Loan Savings Bank
133	Union Community Bank
634	United Bank, Inc.
472	United Bank of Philadelphia
75	United Savings Bank
600	Unity Bank
232	Univest Bank & Trust Co.

Bank Code V.

611	Victory Bank (The)
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Bank Code W.

119	WASHINGTON FINANCIAL BANK
121	Wayne Bank
631	Wells Fargo Bank, NA
553	WesBanco Bank, Inc.
494	West View Savings Bank
473	Westmoreland Federal S & L Association
476	William Penn Bank
272	Woodlands Bank
573	WOORI AMERICA BANK
630	WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.**

577	York Traditions Bank
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Bank Code Z.**Platinum Leader Banks**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.

New

660	Clarion Federal Credit Union
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Name Change

236	Swineford National Bank—Change to 58 Fulton Bank
493	FNB Bank, NA—Change to 58 Fulton Bank
533	Community First Bank—Change to 205 Farmers National Bank of Emlenton (The)

*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 19-257. Filed for public inspection February 22, 2019, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 173 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 8th day of February, 2019, it is hereby Ordered that the financial institutions named on the following list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

Bank Code A.

595 Abacus Federal Savings Bank
2 ACNB BANK
 613 Allegent Community Federal Credit Union
 375 Altoona First Savings Bank
 376 Ambler Savings Bank
532 AMERICAN BANK (PA)
 615 Americhoice Federal Credit Union
116 AMERISERV FINANCIAL
 648 Andover Bank (The)
 377 Apollo Trust Company

Bank Code B.

558 Bancorp Bank (The)
 485 Bank of America, NA
 415 Bank of Landisburg (The)
 642 BB & T Company
 519 Beaver Valley Federal Credit Union
 501 BELCO Community Credit Union
 397 Beneficial Bank
 652 Berkshire Bank
 5 BNY Mellon, NA
392 BRENTWOOD BANK
 495 Brown Brothers Harriman Trust Co., NA
 161 Bryn Mawr Trust Company (The)

Bank Code C.

654 CACL Federal Credit Union
 618 Capital Bank, NA
 16 CBT Bank, a division of Riverview Bank
 136 Centric Bank
394 CFS BANK
 623 Chemung Canal Trust Company
 599 Citibank, NA
 238 Citizens & Northern Bank
 561 Citizens Bank (PA)
 206 Citizens Savings Bank
 602 City National Bank of New Jersey
 576 Clarion County Community Bank
 660 Clarion Federal Credit Union
 591 Clearview Federal Credit Union
 23 CNB Bank
 354 Coatesville Savings Bank
 223 Commercial Bank & Trust of PA
 21 Community Bank (PA)
 371 Community Bank, NA (NY)
 132 Community State Bank of Orbisonia
647 CONGRESSIONAL BANK
 380 County Savings Bank
 617 Covenant Bank
 536 Customers Bank

Bank Code D.

339 Dime Bank (The)
 239 DNB First, NA
 27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
 567 Embassy Bank for the Lehigh Valley
541 ENTERPRISE BANK
 28 Ephrata National Bank
 601 Esquire Bank, NA
 340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
 158 1st Summit Bank
 31 F & M Trust Company—Chambersburg
 658 Farmers National Bank of Canfield
 205 Farmers National Bank of Emlenton (The)
 34 Fidelity Deposit & Discount Bank (The)
**343 FIDELITY SAVINGS & LOAN ASSOCIATION
OF BUCKS COUNTY**
 583 Fifth Third Bank
 643 First Bank
 174 First Citizens Community Bank
 191 First Columbia Bank & Trust Company
 539 First Commonwealth Bank
 46 First Community Bank of Mercersburg
 504 First Federal S & L Association of Greene
County
 525 First Heritage Federal Credit Union
 42 First Keystone Community Bank
 51 First National Bank & Trust Company of
Newtown (The)
 48 First National Bank of Pennsylvania
 426 First Northern Bank & Trust Company
 604 First Priority Bank, a division of Mid Penn
Bank
592 FIRST RESOURCE BANK
 657 First United Bank & Trust
 408 First United National Bank
 151 Firstrust Savings Bank
 416 Fleetwood Bank
 175 FNCB Bank
 291 Fox Chase Bank
 241 Franklin Mint Federal Credit Union
 639 Freedom Credit Union
58 FULTON BANK, NA

Bank Code G.

499 Gratz Bank (The)
 498 Greenville Savings Bank

Bank Code H.

402 Halifax Branch, of Riverview Bank
 244 Hamlin Bank & Trust Company
 362 Harleysville Savings Bank
 363 Hatboro Federal Savings
 463 Haverford Trust Company (The)
 655 Home Savings Bank
 606 Hometown Bank of Pennsylvania
 68 Honesdale National Bank (The)
 350 HSBC Bank USA, NA
364 HUNTINGDON VALLEY BANK
 605 Huntington National Bank (The)
 608 Hyperion Bank

Bank Code I.

365 InFirst Bank
 557 Investment Savings Bank
 526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 659 JPMorgan Chase Bank, NA
 72 **JUNIATA VALLEY BANK (THE)**

Bank Code K.

651 KeyBank NA
 414 Kish Bank

Bank Code L.

74 **LAFAYETTE AMBASSADOR BANK**
 554 Landmark Community Bank
 78 Luzerne Bank

Bank Code M.

361 M & T Bank
 386 Malvern Federal Savings Bank
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars Bank
 43 Marysville Branch, of Riverview Bank
 367 Mauch Chunk Trust Company
 619 MB Financial Bank, NA
 511 MCS (Mifflin County Savings) Bank
 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 610 Meridian Bank
 420 Meyersdale Branch, of Riverview Bank
 294 **MID PENN BANK**
 276 **MIFFLINBURG BANK & TRUST COMPANY**
 457 Milton Savings Bank
 614 Monument Bank
 596 **MOREBANK, A DIVISION OF BANK OF PRINCETON (THE)**
 484 **MUNCY BANK & TRUST COMPANY (THE)**

Bank Code N.

433 National Bank of Malvern
 168 NBT Bank, NA
 347 Neffs National Bank (The)
 434 **NEW TRIPOLI BANK**
 15 NexTier Bank, NA
 636 Noah Bank
 638 Norristown Bell Credit Union
 439 Northumberland National Bank (The)
 93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
 489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 **PARKE BANK**
 584 Parkview Community Federal Credit Union
 40 Penn Community Bank
 540 PennCrest Bank
 419 Pennian Bank
 447 Peoples Security Bank & Trust Company
 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 79 PNC Bank, NA
 449 Port Richmond Savings
 451 Progressive-Home Federal Savings & Loan Association

637 Provident Bank
 456 Prudential Savings Bank
 491 PS Bank

Bank Code Q.

107 QNB Bank
 560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank
 220 Republic First Bank d/b/a Republic Bank
 628 Riverview Bank

Bank Code S.

153 S & T Bank
 316 Santander Bank, NA
 460 Second Federal S & L Association of Philadelphia
 646 Service 1st Federal Credit Union
 458 Sharon Bank
 462 Slovenian Savings & Loan Association of Franklin-Conemaugh
 486 **SOMERSET TRUST COMPANY**
 633 SSB Bank
 518 **STANDARD BANK, PASB**
 542 Stonebridge Bank
 440 SunTrust Bank
 122 **SUSQUEHANNA COMMUNITY BANK**

Bank Code T.

143 TD Bank, NA
 656 **TIOGA FRANKLIN SAVINGS BANK**
 182 **TOMPKINS VIST BANK**
 609 Tristate Capital Bank
 640 TruMark Financial Credit Union
 467 Turbotville National Bank (The)

Bank Code U.

483 UNB Bank
 481 Union Building and Loan Savings Bank
 133 Union Community Bank
 634 United Bank, Inc.
 472 United Bank of Philadelphia
 475 United Savings Bank
 600 Unity Bank
 232 Uninvest Bank & Trust Co.

Bank Code V.

611 Victory Bank (The)

Bank Code W.

119 **WASHINGTON FINANCIAL BANK**
 121 Wayne Bank
 631 Wells Fargo Bank, NA
 553 Wesbanco Bank, Inc.
 494 West View Savings Bank
 473 Westmoreland Federal S & L Association
 476 William Penn Bank
 272 Woodlands Bank
 573 **WOORI AMERICA BANK**
 630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.**

577 York Traditions Bank

Bank Code Z.

PLATINUM LEADER BANKS

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA Exemption

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.*New*

660 Clarion Federal Credit Union

Name Change

236 Swineford National Bank—Change to 58 Fulton Bank

493 FNB Bank, NA—Change to 58 Fulton Bank

533 Community First Bank—Change to 205 Farmers National Bank of Emlenton (The)

*Platinum Leader Change**Correction**Removal*

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