

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Proposed Amendments to the Pennsylvania Rules of Professional Conduct Regarding Information About Legal Services

Notice is hereby given that the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) plans to recommend to the Supreme Court of Pennsylvania that it adopt amendments to the Pennsylvania Rules of Professional Conduct (“RPC”) relating to information about legal services, as set forth in Annexes A and B. To enhance readability, a “clean” version of the proposal is set forth in Annex C.

In August 2018, the American Bar Association (“ABA”) adopted significant revisions to its Model Rules relating to how lawyers communicate with prospective clients and the public at large regarding their services. These revisions were designed to update and streamline the advertising rules, recognizing that the manner and modes of lawyer communications with others have changed in a pronounced way over time. Pennsylvania historically has supported adoption of the ABA Model Rules, except where policy considerations justify a deviation from the Model Rule language.

Recognizing that Pennsylvania’s RPCs have been in place for decades without substantial change, and further recognizing that consistency in application and in interpretation of the rules regulating lawyer conduct is important in the realm of lawyer communication in the digital age, the Board is considering amending RPC 7.1, 7.2, 7.3, 7.4, 7.5 and 7.7 to substantially conform to the ABA Model Rules. In effect, the proposal consolidates current RPCs 7.1 through 7.5 and 7.7 into proposed RPCs 7.1, 7.2 and 7.3.

Proposed revisions to RPCs 7.1 and 7.5

Proposed revisions to the RPC preserve the blackletter rule of RPC 7.1, which prohibits a lawyer from making a “false or misleading communication about the lawyer or the lawyer’s services.” Current RPC 7.5, which is titled “Firm Names and Letterheads,” is essentially comprised of examples of potentially false or misleading communications about lawyers or lawyers’ services, which are currently prohibited by RPC 7.1. The proposed revisions incorporate RPC 7.5 into Comments [5] through [8] to RPC 7.1, eliminating redundancy.

Proposed revisions to RPCs 7.2, 7.4, and 7.7

Current RPC 7.2 governs advertising. Numerous revisions are proposed as follows:

- The title is changed from “Advertising” to “Communications Concerning a Lawyer’s Services: Specific Rules.”
- Current RPC 7.2(a) is amended to conform to ABA Model Rule 7.2(a).
- Current RPC 7.2(b), requiring a lawyer to retain a copy or recording of an advertisement or written communication for two years after its last dissemination, is deleted.

- Current RPC 7.2(c), renumbered as 7.2(b), is amended to conform to ABA Model Rule 7.2(b). Comment [6] incorporates the blackletter of current RPC 7.7 relating to a lawyer referral service.

- New RPC 7.2(c) incorporates the blackletter provisions of current RPC 7.4(a)(1)—(3) pertaining to communication of fields of practice, and adds the following:

New paragraph (c)(2) permits a lawyer to state that the lawyer is a specialist in a particular field if the lawyer “is currently certified as a specialist in a particular field of law under the regulations of the highest court of a state in which that lawyer is licensed to practice. . . so long as the lawyer clearly designates the jurisdiction from which the certification was issued and, unless the lawyer is also certified [by an organization approved by the Supreme Court of Pennsylvania as a certifying organization], the communication also states that the lawyer is not certified in Pennsylvania.”

New paragraph (c)(3) permits a lawyer to state that the lawyer is a specialist in a particular field if the lawyer, even if not certified as a specialist, “can objectively verify the claim based upon the lawyer’s experience, specialized training or education, and the claim is not otherwise false or misleading in violation of Rule 7.1.”

- New RPC 7.2(d) incorporates the blackletter provisions of current RPC 7.4(b)(1) and (2), relating to approval by the Supreme Court of Pennsylvania of a certifying organization.

- Current RPC 7.2(d), prohibiting endorsement by celebrities or public figures, is deleted.

- Current RPC 7.2(e), requiring that an advertisement or public communication containing a paid endorsement disclose that the endorser is being paid or compensated for his or her appearance or endorsement, is retained.

- Current RPC 7.2(f), prohibiting portrayals of a lawyer by a nonlawyer is deleted, but the prohibition against using a fictitious name to refer to lawyers not associated in a firm is retained.

- Current RPC 7.2(g), prohibiting a portrayal of a client by a non-client, or a dramatization without a disclosure, is deleted.

- Current RPC 7.2(h), renumbered as 7.2(g), is retained.

- Current RPC 7.2(i), renumbered as 7.2(h), is retained.

- Current 7.2(j), renumbered as 7.2(i), is retained.

- Current RPC 7.2(k), renumbered as 7.2(j), is amended by deleting the requirement that a lawyer handle all aspects of particular types of cases “from intake through trial” in order to advertise that the lawyer or lawyer’s firm will only accept or has a practice limited to particular types of cases. The amended rule permits such statements if the lawyer handles particular types of cases as a principal part of the lawyer’s or law firm’s practice.

- New RPC 7.2(k) requires that any communication under this rule include the name and contact information of at least one lawyer responsible for its content.

Proposed revisions to RPC 7.3

The proposed revisions to RPC 7.3 would clarify and update the definition of “solicitation” in order to reflect

modern modes of communication. It would also follow the lead of the corresponding Model Rule by expanding the parties who may properly be solicited through “live person-to-person contact,” as defined in the rule, to include persons with whom a lawyer or law firm has a prior business relationship, as well as persons who “routinely use for business purposes the type of legal services offered by the lawyer.”

Proposed amendments are as follows:

- Revisions to RPC 7.3(a) delete the current text and define “solicitation” or “solicit” as a “communication initiated by or on behalf of a law firm that is directed to a specific person the lawyer knows or reasonably should know, needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.”

- New RPC 7.3(b) incorporates the second sentence of current RPC 7.3(a) with modifications. It permits a lawyer to solicit professional employment by live person-to-person contact when a significant motive is the lawyer’s or the law firm’s pecuniary gain, if the lawyer’s contact is with a person who has a prior business relationship with the lawyer or the law firm, or a person who routinely uses the type of legal services involved for business purposes. New Comment [2] clarifies that person-to-person contact does not include chat rooms, text messages or other written communications that recipients may easily disregard.

- New RPC 7.3(c) permits solicitation by targeted, direct mail which is authorized by the last sentence of current RPC 7.3(a).

- New RPC 7.3(d) incorporates current RPC 7.3(a).

- RPC 7.3(e) permits communication authorized by law or a court order such as notice to potential members of a class in class action litigation.

- RPC 7.3(f) permits a lawyer to participate with a prepaid or group legal service plan that uses live person-to-person contact to enroll members or sell subscriptions for the plan.

- The proposal retains Pennsylvania’s exception to direct solicitation of clients through written communication under current RPC 7.3(b)(4). This provision is not present in the ABA Model Rules.

Other proposed revisions

The Board proposes changes to Comments [4] and [21] of RPC 5.5 to conform to the proposed amendments to the advertising rules.

Interested persons are invited to submit written comments by mail, email or facsimile regarding the proposed amendments to the Executive Office, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3381), Email address Dboard.comments@pacourts.us on or before May 21, 2021.

*By the Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

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:

INFORMATION ABOUT LEGAL SERVICES

Rule 7.1. Communications Concerning a Lawyer’s Services.

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Comment:

(1) This Rule governs all communications about a lawyer’s services, including advertising [**permitted by Rule 7.2**]. Whatever means are used to make known a lawyer’s services, statements about them must be truthful.

(2) [**Truthful**] **Misleading truthful** statements [**that are misleading**] are [**also**] prohibited by this Rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer’s communication considered as a whole not materially misleading. A truthful statement is [**also**] misleading if [**there is**] a substantial likelihood **exists** that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer’s services for which there is no reasonable factual foundation. **A truthful statement is also misleading if presented in a way that creates a substantial likelihood that a reasonable person would believe the lawyer’s communication requires that person to take further action when, in fact, no action is required.**

(3) [**An advertisement**] **A communication** that truthfully reports a lawyer’s achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client’s case. Similarly, an **unsubstantiated claim about a lawyer’s or law firm’s services or fees, or an unsubstantiated comparison of the lawyer’s or law firm’s services or fees with [the services or fees] those of other lawyers or law firms,** may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison **or claim** can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public.

(4) **It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4(c).** See also

Rule 8.4(e) for the prohibition against stating or implying an ability to improperly influence [improperly] a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

(5) Firm names, letterhead and professional designations are communications concerning a lawyer's services. A firm may be designated by the names of all or some of its current members, by the names of deceased or retired members where there has been a succession in the firm's identity or by a trade name if it is not false or misleading. A lawyer or law firm also may be designated by a distinctive website address, social media username or comparable professional designation that is not misleading. A law firm name or designation is misleading if it implies a connection with a government agency, with a deceased or retired lawyer who was not a former member of the firm, with a lawyer not associated with the firm or a predecessor firm, with a nonlawyer or with a public or charitable legal services organization. If a firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express statement explaining that it is not a public legal aid organization may be required to avoid a misleading implication.

(6) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(7) Lawyers may not imply or hold themselves out as practicing together in one firm when they are not a firm, as defined in Rule 1.0(c), because to do so would be false and misleading.

(8) It is misleading to use the name of a lawyer holding a public office in the name of a law firm, or in communications on the law firm's behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

Rule 7.2. [Advertising] Communications Concerning a Lawyer's Services: Specific Rules.

(a) [Subject to the requirements of Rule 7.1, a] A lawyer may [advertise] communicate information regarding the lawyer's services through [written, recorded or electronic communications, including public media, not within the purview of Rule 7.3] any media.

[(b) A copy or recording of an advertisement or written communication shall be kept for two years after its last dissemination along with a record of when and where it was used. This record shall include the name of at least one lawyer responsible for its content.

(c) [(b) A lawyer shall not compensate, give or promise anything of value to a person for recommending the lawyer's services[,] except that a lawyer may [pay]:

(1) pay the reasonable [cost] costs of advertisements or [written] communications permitted by this Rule;

(2) pay the usual charges of a lawyer referral service or [other] legal service [organization] plan; and

(3) pay for a law practice in accordance with Rule 1.17.

(c) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state or imply that the lawyer is a specialist in a particular field, except as follows:

(1) a lawyer who has been certified by an organization approved by the Supreme Court of Pennsylvania as a certifying organization in accordance with paragraph (d) may advertise the certification during such time as the certification of the lawyer and the approval of the organization are both in effect;

(2) a lawyer who is currently certified as a specialist in a particular field of law under the regulations of the highest court of a state in which that lawyer is licensed to practice may communicate that certification so long as the lawyer clearly designates the jurisdiction from which the certification was issued and, unless the lawyer is also certified as described in paragraph (1) above, the communication also states that the lawyer is not certified in Pennsylvania;

(3) a lawyer who is not certified as a specialist as described in paragraphs (1) or (2) above may not claim to be a specialist in a particular field of law unless the lawyer can objectively verify the claim based upon the lawyer's experience, specialized training or education, and the claim is not otherwise false or misleading in violation of Rule 7.1;

(4) a lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "patent attorney" or substantially similar designation; and

(5) a lawyer engaged in admiralty practice may use the designation "admiralty," "proctor in admiralty" or substantially similar designation.

(d) [No advertisement or public communication shall contain an endorsement by a celebrity or public figure.] Upon recommendation of the Pennsylvania Bar Association, the Supreme Court of Pennsylvania may approve for purposes of paragraph (c) an organization that certifies lawyers, if the Court finds that:

(1) advertising by a lawyer of certification by the certifying organization will provide meaningful information, which is not false, misleading or deceptive, for use of the public in selecting or retaining a lawyer; and

(2) certification by the organization is available to all lawyers who meet objective and consistently applied standards relevant to practice in the area of the law to which the certification relates.

The approval of the certifying organization shall be for such period not longer than five (5) years as the Court shall order, and may be renewed upon recommendation of the Pennsylvania Bar Association.

(e) An advertisement or public communication that contains a paid endorsement shall disclose that the endorser is being paid or otherwise compensated for his or her appearance or endorsement.

(f) [A non-lawyer shall not portray a lawyer or imply that he or she is a lawyer in any advertise-

ment or public communication; nor shall an] An advertisement or public communication [portray a fictitious entity as a law firm,] shall not use a fictitious name to refer to lawyers not associated together in a law firm, or otherwise imply that lawyers are associated together in a law firm if that is not the case.

[(g) An advertisement or public communication shall not contain a portrayal of a client by a non-client; the re-enactment of any events or scenes; or, pictures or persons, which are not actual or authentic, without a disclosure that such depiction is a dramatization.

(h)] (g) Every advertisement that contains information about the lawyer's fee, shall be subject to the following requirements:

(1) Advertisements that state or indicate that no fee [shall] will be charged in the absence of recovery shall disclose that the client will be liable for certain expenses in addition to the fee, if such is the case.

(2) A lawyer who advertises a specific fee or hourly rate or range of fees for a particular service shall honor the advertised fee for at least ninety (90) days; provided that for advertisements in media published annually, the advertised fee shall be honored for no less than one (1) year following initial publication unless otherwise stated as part of the advertisement.

[(i)] (h) All advertisements and written communications shall disclose the geographic location, by city or town, of the office in which the lawyer or lawyers who will actually perform the services advertised principally practice law. If the office location is outside the city or town, the county in which the office is located must be disclosed.

[(j)] (i) A lawyer shall not, directly or indirectly (whether through an advertising cooperative or otherwise), pay all or any part of the costs of an advertisement by a lawyer not in the same firm or by any for-profit entity other than the lawyer's firm, unless the advertisement discloses the name and principal office address of each lawyer or law firm involved in paying for the advertisement and, if any lawyer or law firm will receive referrals from the advertisement, the circumstances under which referrals will be made and the basis and criteria on which the referral system operates.

[(k)] (j) A lawyer shall not, directly or indirectly, advertise that the lawyer or [his or her] the lawyer's law firm will only accept, or has a practice limited to, particular types of cases unless the lawyer or [his or her] law firm handles[,] these types of cases as a principal part of [his, her or its] the lawyer's or law firm's practice[, all aspects of the cases so advertised from intake through trial. If a lawyer or law firm advertises for a particular type of case that the lawyer or law firm ordinarily does not handle from intake through trial, that fact must be disclosed]. A lawyer or law firm shall not advertise as a pretext to refer cases obtained from advertising to other lawyers.

(k) Any communication made under this Rule must include the name and contact information of at least one lawyer or law firm responsible for its content.

Comment:

[(1) To assist the public in learning about and obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.

(2)] (1) This Rule permits public dissemination of information concerning a lawyer's [name] or [firm] law firm's name, address, email address, website, and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

[(3) Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television and other forms of advertising, against advertising going beyond specified facts about a lawyer, or against "undignified" advertising. Television, the Internet, and other forms of electronic communication are now among the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television, Internet, and other forms of electronic advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant. But see Rule 7.3(a) for the prohibition against a solicitation through a real-time electronic exchange initiated by the lawyer.

(4) Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such as a notice to members of a class in class action litigation.

Record of Advertising

(5) Paragraph (b) requires that a record of the content and use of advertising be kept in order to facilitate enforcement of this Rule. It does not require that advertising be subject to review prior to dissemination. Such a requirement would be burdensome and expensive relative to its possible benefits, and may be of doubtful constitutionality.]

Paying Others to Recommend a Lawyer

[(6) Subject to the limitations set forth] (2) Except as permitted under paragraphs [(c) and (j)] (b)(1)—(b)(3), a lawyer is [allowed] not permitted to

pay others for [advertising permitted by this Rule, but otherwise is not permitted to pay another person for] recommending the lawyer's services [or for channeling professional work in a manner that violates Rule 7.3]. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities. Directory listings and group advertisements that list lawyers by practice area, without more, do not constitute impermissible "recommendations."

(3) Paragraph [(c)(1), however,] (b)(1) allows a lawyer to pay for advertising and communications permitted by this Rule, including the cost of print [,] directory listings, on-line directory listings, newspaper ads, television and radio [air time] air-time, domain-name registrations, sponsorship fees, Internet-based advertisements, and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff, television and radio station employees or spokespersons and website designers.

[Moreover, a] (4) A lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and the lead generator's communications are consistent with Rule 7.1 (communications concerning a lawyer's services). To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral. See Comment [2] (definition of "recommendation"). See also Rule 5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers) for the duties of lawyers and law firms with respect to the conduct of non-lawyers and Rule 8.4(a) (duty to avoid violating the Rules through the acts of another). [This restriction does not prevent an organization or person other than the lawyer from advertising or recommending the lawyer's services. Thus, a]

(5) A legal aid agency or prepaid legal services plan may pay to advertise legal services provided under its auspices. Likewise, a lawyer may participate in lawyer referral programs and pay the usual fees charged by such programs. [Paragraph (c) does not prohibit paying regular compensation to an assistant, such as a secretary, to prepare communications permitted by this rule.] A "legal service plan" is a prepaid or group legal service plan or a similar delivery system that assists people who seek to secure legal representation.

(6) A lawyer who accepts assignments or referrals from a legal service plan or referrals from a lawyer referral service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer's professional obligations. Legal service plans and lawyer referral services may communicate with the public, but such communication must be in conformity with these Rules. A "lawyer referral service" is any person, group of

persons, association, organization or entity that receives a fee or charge for referring or causing the direct or indirect referral of a potential client to a lawyer drawn from a specific group or panel of lawyers.

Communications About Fields of Practice

(7) Paragraph (c)(1) permits a lawyer to state that the lawyer is certified as a specialist in a field of law if such certification is granted by an organization approved by the Supreme Court of Pennsylvania. Paragraph (c)(2) permits a lawyer to state the lawyer is certified as a specialist under the regulations of the highest court of another state where the lawyer is licensed to practice, so long as the lawyer clearly states if the lawyer is not also certified in Pennsylvania. Certification signifies that an objective entity has recognized an advanced degree of knowledge and experience in the specialty area greater than is suggested by general licensure to practice law. Court approved certifying organizations may be expected to apply standards of experience, knowledge and proficiency to ensure that a lawyer's recognition as a specialist is meaningful and reliable. To ensure that consumers can obtain access to useful information about an organization granting certification, the name of the certifying organization must be included in any communication regarding the certification.

(8) Paragraph (c) of this Rule generally permits a lawyer to communicate that the lawyer does or does not practice in particular areas of law. Under paragraph (c)(3), a lawyer is permitted to state that the lawyer "concentrates in" or is a "specialist," practices a "specialty," or "specializes in" particular fields based on the lawyer's objectively verifiable experience, specialized training or education, but such communications are subject to the "false and misleading" standard applied in Rule 7.1 to communications concerning a lawyer's services. Authorizing such objectively verifiable statements comports with constitutional limitations on the regulation of commercial speech.

(9) The Patent and Trademark Office has a long-established policy of designating lawyers practicing before the Office. The designation of Admiralty practice also has a long historical tradition associated with maritime commerce and the federal courts. A lawyer's communications about these practice areas are not prohibited by this Rule.

[Endorsements

(7) Paragraphs (d) and (e) require [(10) Paragraph (e) requires truthfulness in any advertising in which an endorsement of a lawyer or law firm is made. [The prohibition against endorsement by a celebrity or public figure is consistent with the purpose of Rule 7.1 to avoid the creation of an unjustified expectation of a particular legal result on the part of a prospective client.

Portrayals

(8) Paragraphs (f) and (g), similarly, require truth in advertising when portrayals are made part of legal advertising. A portrayal, by its nature, is a depiction of a person, event or scene, not the actual person, event or scene itself. Paragraphs (f) and (g) were added to ensure that any portrayals used in advertising legal services are not misleading or

overreaching.] (11) Creating the impression that lawyers are associated in a firm where that is not the case [**was considered**] is inherently misleading because it suggests that the various lawyers involved are available to support each other and contribute to the handling of a case. Paragraph (f) accordingly prohibits advertisements that create the impression of a relationship among lawyers where none exists, such as by using a fictitious name to refer to the lawyers involved if they are not associated together in a firm.

Disclosure of Fees and Client Expenses

[(9)] (12) Consistent with the public's need to have an accurate dissemination of information about the cost of legal services, paragraph [(h)] (g) requires disclosure of a client's responsibility for payment of expenses in contingent fee matters when the client will be required to pay any portion of expenses that will be incurred in the handling of a legal matter.

[(10)] (13) Under the same rationale, paragraph [(h)] (g) imposes minimum periods of time during which advertised fees must be honored.

Disclosure of Geographic Location of Practice

[(11)] (14) Paragraph [(i)] (h) requires disclosure of the geographic location in which the advertising lawyer's primary practice is situated. This provision seeks to rectify situations in which a person seeking legal services is misled into concluding that an advertising lawyer has his or her primary practice in the client's hometown when, in fact, the advertising lawyer's primary practice is located elsewhere. Paragraph [(i)] (h) ensures that a client has received a disclosure as to whether the lawyer he or she ultimately chooses maintains a primary practice located outside of the client's own city, town or county.

Disclosure of Payment of Advertising Costs

[(12)] (15) Paragraph [(j)] (i) prohibits lawyers and law firms from paying advertising costs of independent lawyers or other persons unless disclosure is made in the advertising of the name and address of each paying lawyer or law firm, as well as of the business relationship between the paying parties and the advertising parties.

[(13)] (16) Advertisements sponsored by advertising cooperatives (where lawyers or law firms pool resources to buy advertising space or time) are considered advertisements by each of the lawyers participating in the cooperative and accordingly will be subject generally to all of the provisions of these Rules on advertising. Advertising cooperatives have been referred to expressly in paragraph [(j)] (i) to make clear that references to "indirect" actions are intended to have a wide scope and include advertising cooperatives and similar arrangements. Thus, advertising cooperatives and similar arrangements are permissible, but only if the required disclosures are made. In the case of cooperative arrangements, the required disclosures must include the basis or criteria on which lawyers or law firms participating in the cooperative will be referred cases, e.g., chronological order of calls, geographic location, etc.

[(14)] (17) Paragraph [(k)] (j) prohibits a lawyer from misleading the public by giving the impression in an advertisement that the lawyer or [**his or her**] **the lawyer's** law firm [**specializes**] **practices** in a particular area of the law unless the lawyer or [**his or her**] **the** law firm handles the type of case advertised as a

principal part of the practice [**of the lawyer or law firm**]. For example, where a lawyer advertises for "personal injury cases" or "serious personal injury cases" or "death cases only" those types of cases must, in fact, constitute a principal part of the practice of the lawyer or [**his or her**] firm.

[(15)] (18) Paragraph [(k)] (j) also prohibits advertising for the primary purposes of obtaining cases that can be referred or brokered to another lawyer. Obviously, a lawyer is permitted and encouraged to refer cases to other lawyers where that lawyer does not have the skill or expertise to properly represent a client. However, it is misleading to the public for a lawyer or law firm, with knowledge that the lawyer or law firm will not be handling a majority of the cases attracted by advertising, to nonetheless advertise for those cases only to refer the cases to another lawyer whom the client did not initially contact. In addition, a lawyer who advertises for a particular type of case may not mislead the client into believing that the lawyer or law firm will fully represent that client when, in reality, the lawyer or law firm refers all of its nonsettling cases to another law firm for trial.

Required Contact Information

(19) This Rule requires that any communication about a lawyer or law firm's services include the name of, and contact information for, the lawyer or law firm. Contact information includes a website address, a telephone number, an email address or a physical office location.

Rule 7.3. Solicitation of Clients.

(a) "Solicitation" or "solicit" denotes a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.

[(a)] (b) A lawyer shall not solicit [**in person or by intermediary**] professional employment [**from a person with whom the lawyer has no family or prior professional relationship**] **by live person-to-person contact** when a significant motive for the lawyer's doing so is the lawyer's **or law firm's** pecuniary gain, unless the [**person contacted is a**] **contact is with a:**

(1) lawyer [**or has a**];

(2) **person who has a** family, close personal, or prior **business or** professional relationship with the lawyer **or law firm; or**

(3) **person who routinely uses for business purposes the type of legal services offered by the lawyer.**

[**The term "solicit" includes contact in-person, by telephone or by real-time electronic communication, but, subject to the requirements of Rule 7.1 and Rule 7.3(b), does not include written communications, which may include**] (c) **A lawyer may utilize** targeted, direct mail advertisements **to solicit professional employment.**

[(b)] (d) A lawyer [**may contact, or send a written communication to, the target of the solicitation for the purpose of obtaining professional employment unless**] shall not solicit professional employment even when not otherwise prohibited by **paragraph (b), if:**

(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the **[person] target of the solicitation** is such that the person could not exercise reasonable judgment in employing a lawyer;

(2) the **[person] target of the solicitation** has made known to the lawyer a desire not to receive communications from the lawyer;

(3) the **[communication] solicitation** involves coercion, duress, or harassment; or

(4) the **[communication is a] solicitation is directed** to a party who has been named as a defendant or respondent in a domestic relations action. In such cases, the lawyer shall wait until proof of service appears on the docket before communication with the named defendant or respondent.

(e) This Rule does not prohibit communications authorized by law or ordered by a court or other tribunal.

(f) Notwithstanding the prohibitions in this Rule, a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses live person-to-person contact to enroll members or sell subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

Comment:

(1) **[A solicitation is a targeted communication initiated by the lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services. In contrast, a] Paragraph (b) prohibits a lawyer from soliciting professional employment by live person-to-person contact when a significant motive for the lawyer's doing so is the lawyer's or the law firm's pecuniary gain. A lawyer's communication [typically does not constitute] is not** a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to **[Internet] electronic** searches.

(2) **[There is a potential for abuse when a solicitation involves direct in-person] "Live person-to-person contact" means in-person, face-to-face, live telephone [or] and other real-time [electronic contact by a lawyer with someone known to need legal services. These forms] visual or auditory person-to-person communications where the person is subject to a direct personal encounter without time for reflection. Such person-to-person contact does not include chat rooms, text messages or other written communications that recipients may easily disregard. A potential for overreaching exists when a lawyer, seeking pecuniary gain, solicits a person known to be in need of legal services. This form of contact [subject] subjects** a person to the private importuning of a trained advocate, in a direct interpersonal encounter. The person who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult **to** fully **[to]** evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer's presence and insistence upon **[being retained immedi-**

ately] an immediate response. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.

(3) **[This] The** potential for **[abuse] overreaching** inherent in **[direct in-person, live telephone or real-time electronic solicitation] live person-to-person contact**, justifies its prohibition, **[particularly]** since lawyers have alternative means of conveying necessary information **[to those who may be in need of legal services]**. In particular, communications can be mailed or transmitted by email or other electronic means that do not violate other laws **[governing solicitations]**. These forms of communications **[and solicitations]** make it possible for the public to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting the public to **[direct in-person, telephone or real-time electronic] live person-to-person** persuasion that may overwhelm a person's judgment.

(4) **[The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to the public, rather than direct in-person, live telephone or real-time electronic contact, will help to assure that the information flows cleanly as well as freely. The contents of advertisements and communications permitted under Rule 7.2 can be permanently recorded so that they cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications, in violation of Rule 7.1.]** The contents of **[direct in-person, live telephone or real-time electronic] live person-to-person** contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations from those that are false and misleading.

(5) There is far less likelihood that a lawyer would engage in **[abusive practices] overreaching** against a former client, or a person with whom the lawyer has a close personal or family, **business or professional** relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for **[abuse] overreaching** when the person contacted is a lawyer or is known to routinely use the type of legal services involved for business purposes. Examples include persons who routinely hire outside counsel to represent the entity; entrepreneurs who regularly engage business, employment law or intellectual property lawyers; small business proprietors who routinely hire lawyers for lease or contract issues; and other people who routinely retain lawyers for business transactions or formations. **[Consequently, the general prohibition in Rule 7.3(a) is not applicable in those situations. Also, paragraph (a)] Paragraph (b)** is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or bona fide political, social, civic, fraternal, employee or trade organizations whose purposes include providing or recommending legal services to their members or beneficiaries.

(6) [But even permitted forms of solicitation can be abused. Thus, any] A solicitation [which] that contains false or misleading information [which is false or misleading] within the meaning of Rule 7.1, [which] that involves coercion, duress or harassment within the meaning of [Rule 7.3(b)(3)] Rule 7.3(d)(3), or [which] that involves contact with someone who has made known to the lawyer desire not to be solicited by the lawyer within the meaning of [Rule 7.3(b)(2)] Rule 7.3(d)(2) is prohibited. Moreover, if after sending a letter or other communication as permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate with the recipient of the communication may violate the provisions of Rule 7.3(b). Live, person-to-person contact of individuals who may be especially vulnerable to coercion or duress is ordinarily not appropriate, for example, the elderly, those whose first language is not English, or the disabled.

(7) This Rule [is] does not [intended to] prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third-parties for the purposes informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

(8) In [**this instance**] Rule 7.3(d)(4), the term "domestic relations actions" includes the actions governed by the Family Court Rules, see Pa.R.C.P. No. 1931(a), and actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act, see 42 Pa.C.S. §§ 62A03 et seq. In such cases, a defendant/respondent party's receipt of a lawyer's solicitation prior to being served with the complaint can increase the risk of a violent confrontation between the parties. The prohibition in [**RPC 7.3(b)(4)] RPC 7.3(d)(4) against any solicitation prior to proof of service appearing on the docket is intended to reduce any such risk and allow for the plaintiff to take any appropriate steps.**

(9) Communications authorized by law or ordered by a court or tribunal include a notice to potential members of a class in class action litigation.

(10) Paragraph (f) of this Rule permits a lawyer to participate with an organization which uses personal contact to enroll members for its group or prepaid legal service plan, provided that the personal contact is not undertaken by any lawyer who would be a provider of legal services through the plan. The organization must not be owned by or directed (whether as manager or otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (f) would not permit a lawyer to create an organization controlled directly or indirectly by the lawyer and use the organization for the person-to-person solicitation of legal

employment of the lawyer through memberships in the plan or otherwise. The communication permitted by these organizations must not be directed to a person known to need legal services in a particular matter, but must be designed to inform potential plan members generally of another means of affordable legal services. Lawyers who participate in a legal service plan must reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(d).

Rule 7.4. [**Communication of Fields of Practice and Specialization**] (Reserved).

[(a) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state that the lawyer is a specialist except as follows:

(1) a lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "patent attorney" or a substantially similar designation;

(2) a lawyer engaged in admiralty practice may use the designation "admiralty," "proctor in admiralty," or a substantially similar designation;

(3) a lawyer who has been certified by an organization approved by the Supreme Court of Pennsylvania as a certifying organization in accordance with paragraph (b) may advertise the certification during such time as the certification of the lawyer and the approval of the organization are both in effect;

(4) a lawyer may communicate that the lawyer is certified in a field of practice only when that communication is not false or misleading and that certification is granted by the Supreme Court of Pennsylvania.

(b) Upon recommendation of the Pennsylvania Bar Association, the Supreme Court of Pennsylvania may approve for purposes of paragraph (a) an organization that certifies lawyers, if the Court finds that:

(1) advertising by a lawyer of certification by the certifying organization will provide meaningful information, which is not false, misleading or deceptive, for use of the public in selecting or retaining a lawyer; and

(2) certification by the organization is available to all lawyers who meet objective and consistently applied standards relevant to practice in the area of the law to which the certification relates.

The approval of the certifying organization shall be for such period not longer than five (5) years as the Court shall order, and may be renewed upon recommendation of the Pennsylvania Bar Association.

Comment:

(1) This Rule permits a lawyer to indicate areas of practice in communications about the lawyer's services; for example, in a telephone directory or other advertising. If a lawyer practices only in certain fields, or will not accept matters except in such fields, the lawyer is permitted so to indicate. However, stating that the lawyer is a "specialist" is not permitted unless the lawyer has been certified as a specialist by a certifying organization ap-

proved under the procedure of paragraph (b). The standards in paragraph (b)(1) and (2) are intended to comply with the requirements for advertising claims of specialization set forth in *Peel v. Attorney Registration and Disciplinary Commission of Illinois*, 496 U.S. 91, 110 L.Ed.2d 83, 110 S.Ct. 2281 (1990).]

Rule 7.5. [Firm Names and Letterheads] (Reserved).

[(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government, government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1. If otherwise lawful a firm may use as, or continue to include in, its name, the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers shall not state or imply that they practice in a partnership or other organization unless that is the fact.

Comment:

(1) A firm may be designated by the names of all or some of its members, by the names of deceased members where there has been a continuing succession in the firm's identity or by a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated by a distinctive website address or comparable professional designation. Although the United States Supreme Court has held that legislation may prohibit the use of trade names in professional practice, use of such names in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be required to avoid a misleading implication. It may be observed that any firm name including the name of a deceased partner is, strictly speaking, a trade name. The use of such names to designate law firms has proven a useful means of identification. However, it is misleading to use the name of a lawyer not associated with the firm or a predecessor of the firm, or the name of a nonlawyer.

(2) With regard to paragraph (d), lawyers sharing office facilities, but who are not in fact associated with each other in a law firm, may not denominate themselves as, for example, "Smith and Jones," for that title suggests that they are practicing law together in a firm.]

Rule 7.7. [Lawyer Referral Service] (Reserved).

[(a) A lawyer shall not accept referrals from a lawyer referral service if the service engaged in communication with the public or direct contact with prospective clients in a manner that would violate the Rules of Professional Conduct if the communication or contact were made by the lawyer.

(b) A "lawyer referral service" is any person, group of persons, association, organization or entity that receives a fee or charge for referring or causing the direct or indirect referral of a potential client to a lawyer drawn from a specific group or panel of lawyers.

Comment:

(1) This Rule prevents a lawyer from circumventing the Rules of Professional Conduct by using a lawyer referral service or similar organization which would not be subject to the Rules of Professional Conduct. A lawyer may pay the usual charges of a lawyer referral service. A lawyer may not, however, share legal fees with a non-lawyer. See Rule 5.4(a).]

Annex B

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:

LAW FIRMS AND ASSOCIATIONS

Rule 5.5. Unauthorized Practice of Law; Multi-jurisdictional Practice of Law.

* * * * *

Comment:

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(4) Other than as authorized by law or this Rule, a lawyer who is not admitted to practice generally in this jurisdiction violates paragraph (b) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. See also [Rules 7.1(a) and 7.5(b)] Rule 7.1.

* * * * *

(21) Paragraphs (c) and (d) do not authorize communications advertising legal services to prospective clients in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their services to prospective clients in this jurisdiction is governed by Rules 7.1 to [7.5] 7.3.

Annex C

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:

INFORMATION ABOUT LEGAL SERVICES

Rule 7.1. Communications Concerning a Lawyer's Services.

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Comment:

(1) This Rule governs all communications about a lawyer's services, including advertising. Whatever means are used to make known a lawyer's services, statements about them must be truthful.

(2) Misleading truthful statements are also prohibited by this Rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer's communication considered as a whole not materially misleading. A truthful statement is misleading if a substantial likelihood exists that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation. A truthful statement is also misleading if presented in a way that creates a substantial likelihood that a reasonable person would believe the lawyer's communication requires that person to take further action when, in fact, no action is required.

(3) A communication that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated claim about a lawyer's or law firm's services or fees, or an unsubstantiated comparison of the lawyer's or law firm's services or fees with those of other lawyers or law firms, may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison or claim can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public.

(4) It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Rule 8.4(c). See also Rule 8.4(e) for the prohibition against stating or implying an ability to improperly influence a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

(5) Firm names, letterhead and professional designations are communications concerning a lawyer's services.

A firm may be designated by the names of all or some of its current members, by the names of deceased members where there has been a succession in the firm's identity or by a trade name if it is not false or misleading. A lawyer or law firm also may be designated by a distinctive website address, social media username or comparable professional designation that is not misleading. A law firm name or designation is misleading if it implies a connection with a government, government agency, with a deceased lawyer who was not a former member of the firm, with a lawyer not associated with the firm or a predecessor firm, with a nonlawyer or with a public or charitable legal services organization. If a firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express statement explaining that it is not a public legal aid organization may be required to avoid a misleading implication.

(6) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(7) Lawyers may not imply or hold themselves out as practicing together in one firm when they are not a firm, as defined in Rule 1.0(c), because to do so would be false and misleading.

(8) It is misleading to use the name of a lawyer holding a public office in the name of a law firm, or in communications on the law firm's behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

Rule 7.2. Communications Concerning a Lawyer's Services: Specific Rules.

(a) A lawyer may communicate information regarding the lawyer's services through any media.

(b) A lawyer shall not compensate, give or promise anything of value to a person for recommending the lawyer's services except that a lawyer may:

(1) pay the reasonable costs of advertisements or communications permitted by this Rule;

(2) pay the usual charges of a lawyer referral service or legal service plan; and

(3) pay for a law practice in accordance with Rule 1.17.

(c) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state or imply that the lawyer is a specialist in a particular field, except as follows:

(1) a lawyer who has been certified by an organization approved by the Supreme Court of Pennsylvania as a certifying organization in accordance with paragraph (d) may advertise the certification during such time as the certification of the lawyer and the approval of the organization are both in effect;

(2) a lawyer who is currently certified as a specialist in a particular field of law under the regulations of the highest court of a state in which that lawyer is licensed to practice may communicate that certification so long as the lawyer clearly designates the jurisdiction from which the certification was issued and, unless the lawyer is also certified as described in paragraph (1) above, the communication also states that the lawyer is not certified in Pennsylvania;

(3) a lawyer who is not certified as a specialist as described in paragraphs (1) or (2) above may not claim to

be a specialist in a particular field of law unless the lawyer can objectively verify the claim based upon the lawyer's experience, specialized training or education, and the claim is not otherwise false or misleading in violation of Rule 7.1;

(4) a lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "patent attorney" or substantially similar designation; and

(5) a lawyer engaged in admiralty practice may use the designation "admiralty," "proctor in admiralty" or substantially similar designation.

(d) Upon recommendation of the Pennsylvania Bar Association, the Supreme Court of Pennsylvania may approve for purposes of paragraph (c) an organization that certifies lawyers, if the Court finds that:

(1) advertising by a lawyer of certification by the certifying organization will provide meaningful information, which is not false, misleading or deceptive, for use of the public in selecting or retaining a lawyer; and

(2) certification by the organization is available to all lawyers who meet objective and consistently applied standards relevant to practice in the area of the law to which the certification relates.

The approval of the certifying organization shall be for such period not longer than five (5) years as the Court shall order, and may be renewed upon recommendation of the Pennsylvania Bar Association.

(e) An advertisement or public communication that contains a paid endorsement shall disclose that the endorser is being paid or otherwise compensated for his or her appearance or endorsement.

(f) An advertisement or public communication shall not use a fictitious name to refer to lawyers not associated together in a law firm, or otherwise imply that lawyers are associated together in a law firm if that is not the case.

(g) Every advertisement that contains information about the lawyer's fee, shall be subject to the following requirements:

(1) Advertisements that state or indicate that no fee will be charged in the absence of recovery shall disclose that the client will be liable for certain expenses in addition to the fee, if such is the case.

(2) A lawyer who advertises a specific fee or hourly rate or range of fees for a particular service shall honor the advertised fee for at least ninety (90) days; provided that for advertisements in media published annually, the advertised fee shall be honored for no less than one (1) year following initial publication unless otherwise stated as part of the advertisement.

(h) All advertisements and written communications shall disclose the geographic location, by city or town, of the office in which the lawyer or lawyers who will actually perform the services advertised principally practice law. If the office location is outside the city or town, the county in which the office is located must be disclosed.

(i) A lawyer shall not, directly or indirectly (whether through an advertising cooperative or otherwise), pay all or any part of the costs of an advertisement by a lawyer not in the same firm or by any for-profit entity other than the lawyer's firm, unless the advertisement discloses the name and principal office address of each lawyer or law firm involved in paying for the advertisement and, if any

lawyer or law firm will receive referrals from the advertisement, the circumstances under which referrals will be made and the basis and criteria on which the referral system operates.

(j) A lawyer shall not, directly or indirectly, advertise that the lawyer or the lawyer's law firm will only accept, or has a practice limited to, particular types of cases unless the lawyer or law firm handles these types of cases as a principal part of the lawyer's or law firm's practice. A lawyer or law firm shall not advertise as a pretext to refer cases obtained from advertising to other lawyers.

(k) Any communication made under this Rule must include the name and contact information of at least one lawyer or law firm responsible for its content.

Comment:

(1) This Rule permits public dissemination of information concerning a lawyer's or law firm's name, address, email address, website, and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

Paying Others to Recommend a Lawyer

(2) Except as permitted under paragraphs (b)(1)—(b)(3), a lawyer is not permitted to pay others for recommending the lawyer's services. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities. Directory listings and group advertisements that list lawyers by practice area, without more, do not constitute impermissible "recommendations."

(3) Paragraph (b)(1) allows a lawyer to pay for advertising and communications permitted by this Rule, including the cost of print directory listings, on-line directory listings, newspaper ads, television and radio air-time, domain-name registrations, sponsorship fees, Internet-based advertisements, and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff, television and radio station employees or spokespersons and website designers.

(4) A lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and the lead generator's communications are consistent with Rule 7.1 (communications concerning a lawyer's services). To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral. See Comment [2] (definition of "recommendation"). See also Rule 5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers) for the duties of lawyers and law firms with respect to the conduct of non-lawyers and Rule 8.4(a) (duty to avoid violating the Rules through the acts of another).

(5) A legal aid agency or prepaid legal services plan may pay to advertise legal services provided under its

auspices. Likewise, a lawyer may participate in lawyer referral programs and pay the usual fees charged by such programs. A “legal service plan” is a prepaid or group legal service plan or a similar delivery system that assists people who seek to secure legal representation.

(6) A lawyer who accepts assignments or referrals from a legal service plan or referrals from a lawyer referral service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer’s professional obligations. Legal service plans and lawyer referral services may communicate with the public, but such communication must be in conformity with these Rules. A “lawyer referral service” is any person, group of persons, association, organization or entity that receives a fee or charge for referring or causing the direct or indirect referral of a potential client to a lawyer drawn from a specific group or panel of lawyers.

Communications About Fields of Practice

(7) Paragraph (c)(1) permits a lawyer to state that the lawyer is certified as a specialist in a field of law if such certification is granted by an organization approved by the Supreme Court of Pennsylvania. Paragraph (c)(2) permits a lawyer to state the lawyer is certified as a specialist under the regulations of the highest court of another state where the lawyer is licensed to practice, so long as the lawyer clearly states if the lawyer is not also certified in Pennsylvania. Certification signifies that an objective entity has recognized an advanced degree of knowledge and experience in the specialty area greater than is suggested by general licensure to practice law. Court approved certifying organizations may be expected to apply standards of experience, knowledge and proficiency to ensure that a lawyer’s recognition as a specialist is meaningful and reliable. To ensure that consumers can obtain access to useful information about an organization granting certification, the name of the certifying organization must be included in any communication regarding the certification.

(8) Paragraph (c) of this Rule generally permits a lawyer to communicate that the lawyer does or does not practice in particular areas of law. Under paragraph (c)(3), a lawyer is permitted to state that the lawyer “concentrates in” or is a “specialist,” practices a “specialty,” or “specializes in” particular fields based on the lawyer’s objectively verifiable experience, specialized training or education, but such communications are subject to the “false and misleading” standard applied in Rule 7.1 to communications concerning a lawyer’s services. Authorizing such objectively verifiable statements comports with constitutional limitations on the regulation of commercial speech.

(9) The Patent and Trademark Office has a long-established policy of designating lawyers practicing before the Office. The designation of Admiralty practice also has a long historical tradition associated with maritime commerce and the federal courts. A lawyer’s communications about these practice areas are not prohibited by this Rule.

(10) Paragraph (e) requires truthfulness in any advertising in which an endorsement of a lawyer or law firm is made.

(11) Creating the impression that lawyers are associated in a firm where that is not the case is inherently misleading because it suggests that the various lawyers involved are available to support each other and contribute to the handling of a case. Paragraph (f) accordingly prohibits advertisements that create the impression of a relationship among lawyers where none exists, such as by

using a fictitious name to refer to the lawyers involved if they are not associated together in a firm.

Disclosure of Fees and Client Expenses

(12) Consistent with the public’s need to have an accurate dissemination of information about the cost of legal services, paragraph (g) requires disclosure of a client’s responsibility for payment of expenses in contingent fee matters when the client will be required to pay any portion of expenses that will be incurred in the handling of a legal matter.

(13) Under the same rationale, paragraph (g) imposes minimum periods of time during which advertised fees must be honored.

Disclosure of Geographic Location of Practice

(14) Paragraph (h) requires disclosure of the geographic location in which the advertising lawyer’s primary practice is situated. This provision seeks to rectify situations in which a person seeking legal services is misled into concluding that an advertising lawyer has his or her primary practice in the client’s hometown when, in fact, the advertising lawyer’s primary practice is located elsewhere. Paragraph (h) ensures that a client has received a disclosure as to whether the lawyer he or she ultimately chooses maintains a primary practice located outside of the client’s own city, town or county.

Disclosure of Payment of Advertising Costs

(15) Paragraph (i) prohibits lawyers and law firms from paying advertising costs of independent lawyers or other persons unless disclosure is made in the advertising of the name and address of each paying lawyer or law firm, as well as of the business relationship between the paying parties and the advertising parties.

(16) Advertisements sponsored by advertising cooperatives (where lawyers or law firms pool resources to buy advertising space or time) are considered advertisements by each of the lawyers participating in the cooperative and accordingly will be subject generally to all of the provisions of these Rules on advertising. Advertising cooperatives have been referred to expressly in paragraph (i) to make clear that references to “indirect” actions are intended to have a wide scope and include advertising cooperatives and similar arrangements. Thus, advertising cooperatives and similar arrangements are permissible, but only if the required disclosures are made. In the case of cooperative arrangements, the required disclosures must include the basis or criteria on which lawyers or law firms participating in the cooperative will be referred cases, e.g., chronological order of calls, geographic location, etc.

(17) Paragraph (j) prohibits a lawyer from misleading the public by giving the impression in an advertisement that the lawyer or the lawyer’s law firm practices in a particular area of the law unless the lawyer or the law firm handles the type of case advertised as a principal part of the practice. For example, where a lawyer advertises for “personal injury cases” or “serious personal injury cases” or “death cases only” those types of cases must, in fact, constitute a principal part of the practice of the lawyer or firm.

(18) Paragraph (j) also prohibits advertising for the primary purposes of obtaining cases that can be referred or brokered to another lawyer. Obviously, a lawyer is permitted and encouraged to refer cases to other lawyers where that lawyer does not have the skill or expertise to properly represent a client. However, it is misleading to the public for a lawyer or law firm, with knowledge that

the lawyer or law firm will not be handling a majority of the cases attracted by advertising, to nonetheless advertise for those cases only to refer the cases to another lawyer whom the client did not initially contact. In addition, a lawyer who advertises for a particular type of case may not mislead the client into believing that the lawyer or law firm will fully represent that client when, in reality, the lawyer or law firm refers all of its nonsettling cases to another law firm for trial.

Required Contact Information

(19) This Rule requires that any communication about a lawyer or law firm's services include the name of, and contact information for, the lawyer or law firm. Contact information includes a website address, a telephone number, an email address or a physical office location.

Rule 7.3. Solicitation of Clients.

(a) "Solicitation" or "solicit" denotes a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.

(b) A lawyer shall not solicit professional employment by live person-to-person contact when a significant motive for the lawyer's doing so is the lawyer's or law firm's pecuniary gain, unless the contact is with a:

- (1) lawyer;
 - (2) person who has a family, close personal, or prior business or professional relationship with the lawyer or law firm; or
 - (3) person who routinely uses for business purposes the type of legal services offered by the lawyer.
- (c) A lawyer may utilize targeted, direct mail advertisements to solicit professional employment.
- (d) A lawyer shall not solicit professional employment even when not otherwise prohibited by paragraph (b), if:
- (1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the target of the solicitation is such that the person could not exercise reasonable judgment in employing a lawyer;
 - (2) the target of the solicitation has made known to the lawyer a desire not to receive communications from the lawyer;
 - (3) the solicitation involves coercion, duress, or harassment; or
 - (4) the solicitation is directed to a party who has been named as a defendant or respondent in a domestic relations action. In such cases, the lawyer shall wait until proof of service appears on the docket before communicating with the named defendant or respondent.

(e) This Rule does not prohibit communications authorized by law or ordered by a court or other tribunal.

(f) Notwithstanding the prohibitions in this Rule, a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses live person-to-person contact to enroll members or sell subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

Comment:

(1) Paragraph (b) prohibits a lawyer from soliciting professional employment by live person-to-person contact

when a significant motive for the lawyer's doing so is the lawyer's or the law firm's pecuniary gain. A lawyer's communication is not a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to electronic searches.

(2) "Live person-to-person contact" means in-person, face-to-face, live telephone and other real-time visual or auditory person-to-person communications where the person is subject to a direct personal encounter without time for reflection. Such person-to-person contact does not include chat rooms, text messages or other written communications that recipients may easily disregard. A potential for overreaching exists when a lawyer, seeking pecuniary gain, solicits a person known to be in need of legal services. This form of contact subjects a person to the private importuning of a trained advocate, in a direct interpersonal encounter. The person who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult to fully evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer's presence and insistence upon an immediate response. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.

(3) The potential for overreaching inherent in live person-to-person contact justifies its prohibition, since lawyers have alternative means of conveying necessary information. In particular, communications can be mailed or transmitted by email or other electronic means that do not violate other laws. These forms of communications make it possible for the public to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting the public to live person-to-person, persuasion that may overwhelm a person's judgment.

(4) The contents of live person-to-person contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations from those that are false and misleading.

(5) There is far less likelihood that a lawyer would engage in overreaching against a former client, or a person with whom the lawyer has a close personal or family, business or professional relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for overreaching when the person contacted is a lawyer or is known to routinely use the type of legal services involved for business purposes. Examples include persons who routinely hire outside counsel to represent the entity; entrepreneurs who regularly engage business, employment law or intellectual property lawyers; small business proprietors who routinely hire lawyers for lease or contract issues; and other people who routinely retain lawyers for business transactions or formations. Paragraph (b) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or bona fide political, social, civic, fraternal, employee or trade organizations whose purposes include providing or recommending legal services to their members or beneficiaries.

(6) A solicitation that contains false or misleading information within the meaning of Rule 7.1 that involves

coercion, duress or harassment within the meaning of Rule 7.3(d)(3), or that involves contact with someone who has made known to the lawyer desire not to be solicited by the lawyer within the meaning of Rule 7.3(d)(2) is prohibited. Moreover, if after sending a letter or other communication as permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate with the recipient of the communication may violate the provisions of Rule 7.3(b). Live, person-to-person contact of individuals who may be especially vulnerable to coercion or duress is ordinarily not appropriate, for example, the elderly, those whose first language is not English, or the disabled.

(7) This Rule does not prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third-parties for the purposes informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

(8) In Rule 7.3(d)(4), the term "domestic relations actions" includes the actions governed by the Family Court Rules, see Pa.R.C.P. No. 1931(a), and actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act, see 42 Pa.C.S. §§ 62A03 et seq. In such cases, a defendant/respondent party's receipt of a lawyer's solicitation prior to being served with the complaint can increase the risk of a violent confrontation between the parties. The prohibition in RPC 7.3(d)(4) against any solicitation prior to proof of service appearing on the docket is intended to reduce any such risk and allow for the plaintiff to take any appropriate steps.

(9) Communications authorized by law or ordered by a court or tribunal include a notice to potential members of a class in class action litigation.

(10) Paragraph (f) of this Rule permits a lawyer to participate with an organization which uses personal contact to enroll members for its group or prepaid legal service plan, provided that the personal contact is not undertaken by any lawyer who would be a provider of legal services through the plan. The organization must not be owned by or directed (whether as manager or otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (f) would not permit a lawyer to create an organization controlled directly or indirectly by the lawyer and use the organization for the person-to-person solicitation of legal employment of the lawyer through memberships in the plan or otherwise. The communication permitted by these organizations must not be directed to a person known to need legal services in a particular matter, but must be designed to inform potential plan members generally of another means of affordable legal services. Lawyers who participate in a legal service plan must reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(d).

Rule 7.4. (Reserved).

Rule 7.5. (Reserved).

Rule 7.7. (Reserved).

[Pa.B. Doc. No. 21-242. Filed for public inspection February 19, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Local Rules of Civil Procedure 1915.4-2 and 1915.4(f-1) Relocation; S-191-2021

Order of Court

And Now, this 9th day of February, 2021, at 3:30 p.m., the Schuylkill County Court of Common Pleas hereby rescinds Local Rules of Civil Procedure No. 1915.4-2 and No. 1915.4(f-1) for use in the Schuylkill County Court of Common Pleas, Twenty-First Judicial District, effective 30 days after publication in the *Pennsylvania Bulletin*.

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

1) File one (1) copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts via email to rulescommittees@pacourts.us.

2) File two (2) paper copies of this Order and Rule and (1) electronic copy in a Microsoft Word format to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rule on the Schuylkill County Court website at www.co.schuylkill.pa.us.

4) Incorporate the local rule into the set of local rules on www.co.schuylkill.pa.us within thirty (30) days after publication in the *Pennsylvania Bulletin*.

5) File one (1) copy of the local rule in the Office of the Prothonotary for public inspection and copying.

6) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 1915.4-2. Office Conference. Hearing. Record. Exceptions. Order.

(b.1) Relocation

(1) In cases of relocation where primary custody is not in dispute, the hearing officer shall schedule a hearing within fourteen days after the case is assigned for hearing.

(2) Within seven days of the conclusion of the hearing, the hearing officer shall file with the court and serve upon all parties a report in conformance with Pa.R.C.P. No. 1915.4-2(b)(3).

(3) Exceptions to the hearing officer's report, with an accompanying brief, shall be filed by a party excepting to the hearing officer's report within fourteen days after the report is mailed. A party who opposes exceptions filed by another party shall file an opposing brief within ten days after service of the exceptions.

(4) When exceptions are filed to the hearing officer's report, the Custody Office shall immediately notify the

stenographer, who shall complete and file the transcript of the proceedings before the hearing officer within twenty days. Unless granted leave by the court to proceed in forma pauperis, the party filing exceptions shall pay the cost of transcription. If exceptions are filed by more than one party, the transcription costs shall be shared by the excepting parties on a pro rata basis. The transcription costs shall be paid within twenty days of the date of filing exceptions. If the costs are not timely paid, the stenographer shall so notify the court after which the exceptions of the non-paying party may be dismissed.

(5) Exceptions to the hearing officer's report shall be decided on the parties' briefs unless oral argument is requested by praecipe of one of the parties.

(g) A party who files exceptions to the hearing officer's report pursuant to Pa.R.C.P. 1915.4-2(g) shall contemporaneously file a supporting brief and serve a copy of the exceptions and brief on all other parties. Any party opposing exceptions to the hearing officer's report shall, within twenty (20) days after being served with exceptions, file a brief in opposition thereto and serve the opposing parties with a copy thereof.

When the exceptions are filed to a hearing officer's report, the Custody Office shall immediately notify the stenographer, who shall complete and file the transcript of the proceedings before the hearing officer within thirty (30) days. Unless granted leave by the Court to proceed in forma pauperis, the party filing exceptions shall pay the cost of transcription. If exceptions are filed by more than one party, the transcription costs shall be shared by the excepting parties on a pro rata basis. The transcription costs shall be paid within thirty (30) days of the date of filing exceptions. If the costs are not timely paid, the stenographer shall so notify the Court after which the exceptions of the non-paying party may be dismissed.

(i) The exceptions to the hearing officer's report shall be decided on the briefs of the parties unless oral argument is requested by praecipe of one or more parties.

Rule 1915.4. Prompt Disposition of Custody Cases.

(f.1) *Relocation*—If at the conclusion of the conciliation conference, a custody relocation case remains contested, the Custody Conciliation Officer shall determine if a party is seeking a change in primary custody, partial custody, or visitation. Where primary custody is in dispute, the case shall be transferred to the Civil Court Administrator for assignment to a Judge to be expeditiously heard. Where partial custody or visitation is in dispute, the case shall be transferred to a hearing officer.

[Pa.B. Doc. No. 21-243. Filed for public inspection February 19, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Administrative Procedures for Filing Offices; No. 2021-1

Administrative Order

And Now, this 15th day of January, 2021, the Court having determined that action is necessary to safeguard the filing of legal papers and other critical functions related to the administration of justice and due process, it is hereby *Ordered*, *Adjudged*, and *Decreed* that the filing

offices (Clerk of Courts, Prothonotary, and Register of Wills/Clerk of the Orphans' Court) shall follow the procedures set forth as follows:

I. HOURS OF OPERATION

All filing offices shall be open to the public and judiciary staff from 9:00 a.m. to 4:30 p.m., daily Monday through Friday, excepting holidays and other judicially sanctioned closures. Filing offices may be open longer than the established hours of operation. The Court is "always open for the transaction of judicial business," and a filing office may be required to stay open outside of the established hours of operation if the Court remains in session, or requires the processing of judicial business. See 42 Pa. Con. Stat. Ann. § 324.

II. CLERK OF COURTS

Bench Warrant Orders

All Orders directing the issuance of a Bench Warrant, including the issuance of the Bench Warrant or the lifting of a Bench Warrant, shall be filed, docketed, scanned, and fully processed and distributed on the same business day if received by 4:00 p.m. by the Clerk of Courts. If the Bench Warrant is filed after 4:00 p.m., it shall be processed immediately the next business day. Excluded from said calculation shall be all weekends and holidays.

Accelerated Rehabilitative Disposition ("ARD") Orders and Dispositions

All ARD orders or other dispositions of ARD cases shall be filed, docketed, scanned and fully processed and distributed within forty-eight (48) hours of the date of the issuance of the Order or disposition.

Driving Under the Influence ("DUI") Orders and Dispositions

All DUI orders or other dispositions of Driving Under the Influence cases shall be filed, docketed, scanned and fully processed and distributed within twenty-four (24) hours of the date of the issuance of the Order or disposition. Forms required for submission to the Pennsylvania Department of Transportation are to be processed in a timely fashion.

State Sentencing Orders

All orders or dispositions that result in a defendant being sentenced to a period of state incarceration shall be filed immediately upon presentation to the Clerk of Courts with three certified copies being immediately sent to the Sheriff's Department. Within forty-eight (48) hours from the time of delivery to the Clerk of Courts of the Order or other disposition, said document shall be docketed, scanned, and fully processed and distributed including but not limited to the entry of all information necessary for the printing of a complete DC-300B such that the individual State packets necessary for transport of the Defendant may be completed in a timely manner.

Sentencing Orders and Dispositions

All sentencing orders and dispositions, other than state sentencing orders noted above, shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts.

Juvenile Orders and Dispositions

All juvenile orders and dispositions shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts. All juvenile orders, including orders

executed electronically (CPCMS), shall be properly filed in the appropriate physical file within five (5) business days.

Dependency Orders and Dispositions

All dependency orders and dispositions shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts. All dependency orders, including orders executed electronically (CPCMS), shall be properly filed in the appropriate physical file within five (5) business days.

General Court Orders and Indirect Criminal Contempt ("ICC") Orders

All general court orders and dispositions, including ICC orders, shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts.

Summary Appeal Orders and Dispositions

All notices of appeal from summary conviction shall be filed, docketed, scanned, and fully processed, and distributed immediately upon receipt by the Clerk of Courts. All summary appeal orders and dispositions shall be filed, docketed, scanned, and fully processed and distributed within forty-eight (48) hours from the time of receipt by the Clerk of Courts. Forms required for submission to the Pennsylvania Department of Transportation are to be processed in a timely fashion.

Bail and Pretrial Services Orders

Bail Orders shall be filed, docketed, scanned and fully processed, and distributed immediately upon receipt by the Clerk of Courts. If applicable, distribution of such orders shall include the Washington County Correctional Facility and/or the magisterial district court by facsimile or email.

Notices of Appeal and Appeal Related Documents

All notices of appeal and any appeal-related documents shall be filed, docketed, scanned, and fully processed and distributed immediately and completed the same day upon receipt by the Clerk of Courts. The Clerk of Courts shall provide to the appropriate judge a copy of all communications and Orders received by the Clerk of Courts from any appellate court. The Clerk of Courts shall coordinate the preparation of the record for appeal with the appropriate judge.

Further, when directed by either a Pennsylvania appellate court, or a federal court, the Clerk of Courts shall prepare, copy and transmit the requested record of any Washington County Court of Common Pleas case to the appropriate appellate court or federal court.

Probation and Parole Orders and Other Probation Office Documents

All probation and parole orders and other probation office documents shall be filed, docketed, scanned, and fully processed and distributed within forty-eight (48) hours from the time of receipt by the Clerk of Courts.

Distribution of Filings

All filings accepted by the Clerk of Courts shall be distributed to parties and any interested entities or persons as noted by the filing party or entity. Those filings include, but are not limited to, transport orders, transcript request forms, omnibus pretrial motions, motions in limine, discovery requests, reciprocal discovery requests, and discovery inventories.

Miscellaneous Documents

Any other type of document filed with the Clerk of Courts that is not specifically covered by this Administrative Order shall be filed, docketed, scanned, and fully processed and distributed within forty-eight (48) hours from the time of receipt by the Clerk of Courts.

III. PROTHONOTARY

The Court directs the Prothonotary to develop a process to docket and scan documents immediately at the time of filing. Until the Prothonotary can implement such a process in a timely and workable manner, the Court is establishing the within timelines for the processing of legal papers:

Outstanding Incomplete Filing, Scanning, and Docketing

All outstanding filing, scanning, and docketing of any orders, notices, or other legal papers that has not been completed prior to the date of this Administrative Order shall be fully processed and distributed no later than February 1, 2021. The Prothonotary shall provide a written status report addressing the progress on the backlog on a daily basis to the President Judge and the Court Administrator.

Court Orders and Notices

Unless otherwise specified, all court orders or notices shall be filed, docketed, scanned, fully processed, and distributed within twenty-four (24) hours from the time of receipt by the Prothonotary. A bench warrant shall be treated in the same manner as a court order.

Protection from Abuse Act and Protection of Victims of Sexual Violence or Intimidation Act Cases

All petitions, orders, and hearing notices related to Protection from Abuse Act or Protection of Victims of Sexual Violence or Intimidation Act cases shall be filed, docketed, scanned, fully processed, and distributed immediately upon receipt by the Prothonotary.¹ The Prothonotary is required to enter all information immediately into the Protection from Abuse Database (PFAD) when receiving corresponding legal papers. See Pa.R.Civ.P. 1901.4(c). All other legal papers relating to PFA or PVSVI cases shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Prothonotary.² The Prothonotary shall accept for filing any valid protection order issued by a comparable court in accordance with 23 Pa. Con. Stat. § 6104.

Initial Filings

All legal papers that initiate a civil action or other proceeding shall be filed, docketed, and scanned within twenty-four (24) hours from the time of receipt by the Prothonotary.

Secondary Filings

All secondary legal papers shall be filed, docketed, and scanned within forty-eight (48) hours from the time of receipt by the Prothonotary, unless otherwise specified in this Administrative Order.

Judgments, Liens, and Praecipes

All judgments and liens shall be filed, docketed, scanned, fully processed, and distributed within one

¹ The PFA Coordinator will remain responsible for distributing copies of the petition and any related temporary order to the petitioner and Sheriff.

² Common pleas judges may receive emergency protection requests up until 4:00 p.m. during normal business days, at the Courthouse. Following receipt, an ex parte hearing is required and proceedings may extend beyond standard working hours and necessitate the filing office to remain open to process the emergency protection request. Protection orders granted after hours by a magisterial district judge shall be filed, docketed, scanned, fully processed, and distributed immediately upon receipt by the Prothonotary.

business day of receipt by the Prothonotary. Praecipes are to be filed, docketed, scanned, fully processed, and distributed within forty-eight (48) hours of receipt by the Prothonotary.

Notices of Appeal and Appeal Related Documents

All notices of appeal and any appeal-related documents shall be filed, docketed, scanned, fully processed, and distributed immediately and completed the same day upon receipt by the Prothonotary. The Prothonotary shall provide to the appropriate judge a copy of all communications and Orders received by the Prothonotary from any appellate court. The Prothonotary shall coordinate the preparation of the record for appeal with the appropriate judge. Files returned on appeal are to be rearranged in chronological order, and the status of the case shall be updated in the docket.

Service-Related Documents

All service-related legal papers, including a return of service, shall be filed, docketed, and scanned within forty-eight (48) hours from the time of receipt by the Prothonotary.

Returned Mail

Unless otherwise specified by rule of court, returned mail shall be processed in the following manner: (1) the envelope shall be scanned and affixed in physical file; (2) the returned mail shall be described and noted on the docket; and, thereafter, (3) the contents of the envelope may be discarded if already contained within the appropriate file.

Verdicts

All verdicts, whether entered following a bench or jury trial, shall be filed, docketed, scanned, and fully processed within twenty-four (24) hours from the time of receipt by the Prothonotary.

Equitable Relief, Enforcement of Judgments, and Suggestion of Bankruptcy

All legal papers filed pursuant to Pa.R.Civ.P. 1531—1535, suggestions of bankruptcy, or related to a stay of the enforcement of a judgment shall be filed, docketed, scanned, and fully processed immediately upon receipt by the Prothonotary.

Miscellaneous Documents

Any other type of document filed with the Prothonotary that is not specifically covered by this Administrative Order shall be filed, docketed, scanned, and fully processed and distributed within forty-eight (48) hours from the time of receipt by the Prothonotary.

IV. REGISTER OF WILLS AND CLERK OF THE ORPHANS' COURT

Court Orders and Notices

Unless otherwise specified, all court orders or notices shall be filed, docketed, scanned, fully processed and distributed within twenty-four (24) hours from the time of receipt by the Register of Wills.

Initial Filings

All legal papers that initiate an Orphan's Court proceeding shall be filed, docketed and scanned within twenty-four (24) hours from the time of receipt by the Register of Wills.

Notice of Appeals and Appeal Related Documents

All notices of appeal and any appeal-related documents shall be filed, docketed, scanned, fully processed and

distributed immediately and completed the same day upon receipt by the Register of Wills. The Register of Wills shall provide to the appropriate judge a copy of all communications and orders received by the Register of Wills from any appellate court. The Register of Wills shall coordinate the preparation of the record for appeal with the appropriate judge. Files returned on appeal are to be rearranged in chronological order, and the status of the case shall be updated in the docket.

Audits

All accounts accepted by the Register of Wills for filing must be completed at the time of filing and should be docketed and scanned within forty-eight (48) hours from the time of receipt by the Register of Wills. It is the responsibility of the Register of Wills to prepare the publication list for audit, and to cause their advertisement in the appropriate publications. A copy of the Audit Publication should be provided to the Audit Clerk at the time it is sent for publication. Adjudications and decrees shall be filed, docketed, scanned, fully processed, and distributed within forty-eight (48) hours from the time of receipt.

GTS (Guardian Tracking System)

All electronic reports shall be printed, filed, docketed, and scanned within twenty-four (24) hours of notification by the AOPC. The Register of Wills shall review the Upcoming and Overdue Reports in the GTS system and send late letter notifications quarterly. The Register of Wills should follow up quarterly on those same reports if they have not been submitted to the AOPC.

In addition, the Register of Wills is required to:³

- Create and open new cases in the GTS system;
- Provide access codes letters to guardians upon appointment;
- Enter any paper copy of an annual report if accompanied by the appropriate fee;
- Update GTS with information from additional court proceedings (e.g., sale of real estate, appointment of successor guardian, termination of guardianship, etc.);
- Update contact information for a guardian or incapacitated person when submitted on a guardian status sheet; and
- Coordinate and share GTS and guardianship information with the Audit and Guardianship Clerk.

Miscellaneous Documents

Any other type of document filed with the Register of Wills that is not specifically covered by this Administrative Order shall be filed, docketed, scanned, and fully processed and distributed within forty-eight (48) hours from the time of receipt by the Register of Wills.

V. STATISTICAL REPORTING

All AOPC statistical docket corrections or reporting shall be fully processed and completed by all filing offices as requested by Court Administration. The compilation of statistical information for reporting to the AOPC is the responsibility of Court Administration.

VI. ENFORCEMENT

The respective elected officials of the filing offices and their staff shall comply with the provisions of this

³ The Audit and Guardianship Clerk has the following duties regarding the GTS: (1) view "Submitted Reports" and take any necessary action; (2) view "Ready for Review" reports for action, such as the resolution of flags; (3) accept reports when appropriate; and (4) notify the Orphans' Court judge of any reporting issues that require judicial action.

Administrative Order. The Court may initiate contempt proceedings if there is a failure to adhere to the requirements set forth in this Administrative Order. Questions concerning a provision(s) of this Administrative Order shall be directed to the Court Administrator, who is responsible for bringing those matters needing clarification or other action to the attention of the President Judge and other appropriate judges. Any other order that conflicts or is otherwise inconsistent with this Administrative Order is hereby RESCINDED, except those issued pursuant to a locally declared judicial emergency.

It is further ORDERED that the Court Administrator shall serve a copy of this Administrative Order on the respective elected officials of the filing offices and cause a copy to be published in the *Washington County Reports*, the official legal publication of Washington County, at the expense of the County of Washington, and in the *Pennsylvania Bulletin*.

By the Court

JOHN F. DiSALLE,
President Judge

[Pa.B. Doc. No. 21-244. Filed for public inspection February 19, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Adoption of Local Criminal Rules of Procedure 202, 507 and 576.1; No. 2021-1

Administrative Order

And Now, this 27th day of January, 2021, it is hereby Ordered, Adjudged, and Decreed that the following Washington County Local Rules of Criminal Procedure are adopted, effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin*.

This Order shall be processed in accordance with Pa.R.J.A. 103(d). The District Court Administrator is directed to do the following:

1. Publish the adopted local rules on the Court's website within thirty (30) days after the publication of this Order in the *Pennsylvania Bulletin*.
2. File one (1) copy of the adopted local rules in the appropriate filing office(s) for public inspection and copying, and distribute copies of this Order to the common pleas and magisterial district judges of this Court.
3. Cause a copy hereof to be published in the *Washington County Reports*, the official legal periodical for Washington County, once a week for two successive weeks at the expense of the County of Washington.

By the Court

JOHN F. DiSALLE,
President Judge

Rule L-202. Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Washington County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 202, search warrants in the following circumstances:

- (1) Criminal Homicide in violation of 18 Pa.C.S.A. § 2501;

- (2) Murder in any degree in violation of 18 Pa.C.S.A. § 2502;

- (3) Voluntary Manslaughter in violation of 18 Pa.C.S.A. § 2503;

- (4) Involuntary Manslaughter in violation of 18 Pa.C.S.A. § 2504;

- (5) Causing or aiding suicide in violation of 18 Pa.C.S.A. § 2502;

- (6) Drug Delivery Resulting in Death in violation of 18 Pa.C.S.A. § 2506;

- (7) Criminal homicide of unborn child in violation of 18 Pa.C.S.A. § 2603;

- (8) Murder of an unborn child in violation of 18 Pa.C.S.A. § 2604;

- (9) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S.A. § 2605;

- (10) Homicide by Vehicle in violation of 75 Pa.C.S.A. § 3732;

- (11) Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. § 3735;

- (12) Rape in violation of 18 Pa.C.S.A. § 3121;

- (13) Involuntary Deviate Sexual Assault in violation of 18 Pa.C.S.A. § 3122.2;

- (14) Sexual assault in violation of 18 Pa.C.S.A. § 3124.1;

- (15) Institutional sexual assault in violation of 18 Pa.C.S.A. § 3124.2;

- (16) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125;

- (17) Indecent Assault in violation of 18 Pa.C.S.A. § 3126, when the victim is less than 16 years of age;

- (18) Incest in violation of 18 Pa.C.S.A. § 4302;

- (19) Sexual abuse of Children in violation of 18 Pa.C.S.A. § 6312;

- (20) Unlawful contact with a minor in violation of 18 Pa.C.S.A. § 6318;

- (21) Statutory Sexual Assault in violation of 18 Pa.C.S.A. § 3122.1;

- (22) Aggravated Assault with a Deadly Weapon in violation of 18 Pa.C.S.A. § 2702(a)(4) and;

- (23) Attempt under 18 Pa.C.S.A. § 901 to commit any of the above-enunciated offenses;

shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing. As used in Rule, "approval by an attorney for the Commonwealth" may be through the use of telephone, advanced communication technology, or other electronic methods.

Rule L-507. Approval of Police Criminal Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Washington County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 507(B), criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, in the following circumstances:

- (1) Criminal Homicide in violation of 18 Pa.C.S.A. § 2501;

(2) Murder in any degree in violation of 18 Pa.C.S.A. § 2502;

(3) Voluntary Manslaughter in violation of 18 Pa.C.S.A. § 2503;

(4) Involuntary Manslaughter in violation of 18 Pa.C.S.A. § 2504;

(5) Causing or aiding suicide in violation of 18 Pa. C.S.A. § 2502;

(6) Drug Delivery Resulting in Death in violation of 18 Pa.C.S.A. § 2506;

(7) Criminal homicide of unborn child in violation of 18 Pa.C.S.A. § 2603;

(8) Murder of an unborn child in violation of 18 Pa.C.S.A. § 2604;

(9) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S.A. § 2605;

(10) Homicide by Vehicle in violation of 75 Pa.C.S.A. § 3732;

(11) Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. § 3735;

(12) Rape in violation of 18 Pa.C.S.A. § 3121;

(13) Involuntary Deviate Sexual Assault in violation of 18 Pa.C.S.A. § 3122.2;

(14) Sexual assault in violation of 18 Pa.C.S.A. § 3124.1;

(15) Institutional sexual assault in violation of 18 Pa.C.S.A. § 3124.2;

(16) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125;

(17) Indecent Assault in violation of 18 Pa.C.S.A. § 3126, when the victim is less than 16 years of age;

(18) Incest in violation of 18 Pa.C.S.A. § 4302;

(19) Sexual abuse of Children in violation of 18 Pa.C.S.A. § 6312;

(20) Unlawful contact with a minor in violation of 18 Pa.C.S.A. § 6318;

(21) Statutory Sexual Assault in violation of 18 Pa.C.S.A. § 3122.1;

(22) Aggravated Assault with a Deadly Weapon in violation of 18 Pa.C.S.A. 2702(a)(4) and;

(23) Attempt under 18 Pa.C.S.A. § 901 to commit any of the above-enunciated offenses;

shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing. As used in this Rule, “approval by an attorney for the Commonwealth” may be through the use of telephone, advanced communication technology, or other electronic methods.

Rule L-576.1. Electronic Filing and Service of Legal Papers.

(A) General Scope and Purpose of this Rule.

The electronic filing of legal papers in the Court of Common Pleas, 27th Judicial District, is hereby authorized in accordance with Pa.R.Crim.P. 576.1 and this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(B) Use of the electronic filing system is permissive and legal papers permitted and excluded from electronic filing are as defined in Pa.R.Crim.P. 576.1(C).

(C) The Administrative Office Pennsylvania Courts has agreed upon the implementation plan for the use of PACFile in the 27th Judicial District as of February 28, 2020.

(D) The Clerk of Courts may maintain an electronic file only with approval from the Court, except for filings expressly excluded in Pa.R.Crim.P. 576.1(C) defining “legal paper.” For excluded filings, the Clerk of Courts shall maintain a paper file numbered in accordance with the electronic file for the same case.

(E) PACFile.

(1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania’s Unified Judicial System Web Portal at: <https://ujportal.pacourts.us/MyServices.aspx>

(2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) Any party who declines to participate in the electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

(F) Legal Papers in a Paper Format.

Any legal paper submitted for filing to the Clerk of Courts in paper (or “hard-copy”) format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C). Once converted to .pdf, the .pdf version of the legal paper shall be deemed and treated as the original legal paper and may be used by the parties and the Court for all purposes, including but not limited to, court hearings and trials in the Court of Common Pleas, 27th Judicial District.

(G) Filing Fees.

Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, court rule or order, or published fee schedule.

(H) Record on Appeal.

Electronically filed legal papers, and copies of legal papers filed in a paper format a provided in subsection (F), shall become the record on appeal.

(I) Confidential information.

Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Court whether filed electronically or in paper format.

Note: The local rule governing the filing of confidential information is Washington County Local Rule of Judicial Administration 3000.

(J) *Miscellaneous provisions.*

The Clerk of Courts shall provide sufficient means to allow parties and the public to file and access legal papers as provided by this rule and as authorized by any applicable statutes, rules, or policy.

[Pa.B. Doc. No. 21-245. Filed for public inspection February 19, 2021, 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
662	Bank of Bird in Hand
415	Bank of Landisburg (The)
664	BankUnited, NA
642	BB & T Company
501	BELCO Community Credit Union
652	Berkshire Bank
663	BHCU
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, NA
206	Citizens Savings Bank
576	Clarion County Community Bank
660	Clarion FCU
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
536	Customers Bank

Bank Code D.

339	Dime Bank (The)
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
661	First American Trust, FSB
643	First Bank
174	First Citizens Community Bank
191	First Columbia Bank & Trust Company
539	First Commonwealth Bank
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)
 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.

669 Industrial Bank
 365 InFirst Bank
 557 Investment Savings Bank
 526 Iron Workers Savings Bank
 668 Inspire FCU

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.

554 Landmark Community Bank
 542 Linkbank
 78 Luzerne Bank

Bank Code M.

361 M & T Bank
 386 Malvern Bank, NA
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars Bank
 43 Marysville Branch, of Riverview Bank
 367 Mauch Chunk Trust Company
 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
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 NextTier Bank, NA
 636 Noah Bank
 638 Norristown Bell Credit Union
 666 Northern Trust Co.
 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
 665 Pinnacle Bank
 79 PNC Bank, NA
 449 Port Richmond Savings
 667 Premier Bank
 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
 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
 634 United Bank, Inc.
 472 United Bank of Philadelphia
 475 United Savings Bank
 600 Unity Bank
 232 Univest 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
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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

669—Industrial Bank

Name Change

617—Covenant Bank—Change to 238—Citizens & Northern Bank

Platinum Leader Change

664—Bank United, NA—Remove
294—Mid Penn Bank—Remove
122—Susquehanna Community Bank—Remove
541—Enterprise Bank—Remove

Correction

664—Bank United, NA to BankUnited, NA

Removal

[Pa.B. Doc. No. 21-246. Filed for public inspection February 19, 2021, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 205 Disciplinary Rules Doc.

Order*Per Curiam*

And Now, this 8th day of February, 2021, 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
662	Bank of Bird in Hand
415	Bank of Landisburg (The)
664	BankUnited, NA
642	BB & T Company
501	BELCO Community Credit Union
652	Berkshire Bank
663	BHCU
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, NA
206	Citizens Savings Bank
576	Clarion County Community Bank
660	Clarion FCU
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
536	Customers Bank

Bank Code D.

339	Dime Bank (The)
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
 661 First American Trust, FSB
 643 First Bank
 174 First Citizens Community Bank
 191 First Columbia Bank & Trust Company
 539 First Commonwealth Bank
 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)
 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.

669 Industrial Bank
 365 InFirst Bank
 557 Investment Savings Bank
 526 Iron Workers Savings Bank
 668 Inspire FCU

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.

554 Landmark Community Bank

542 Linkbank
 78 Luzerne Bank

Bank Code M.

361 M & T Bank
 386 Malvern Bank, NA
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars Bank
 43 Marysville Branch, of Riverview Bank
 367 Mauch Chunk Trust Company
 511 MCS (Mifflin County Savings) Bank
 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
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 420 Meyersdale Branch, of Riverview Bank
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Bank Code N.

433 National Bank of Malvern
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 15 NexTier Bank, NA
 636 Noah Bank
 638 Norristown Bell Credit Union
 666 Northern Trust Co.
 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
 665 Pinnacle Bank
 79 PNC Bank, NA
 449 Port Richmond Savings
 667 Premier Bank
 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
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
634	United Bank, Inc.
472	United Bank of Philadelphia
475	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.

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.

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Name Change

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Platinum Leader Change

664—Bank United, NA—Remove
 294—Mid Penn Bank—Remove
 122—Susquehanna Community Bank—Remove
 541—Enterprise Bank—Remove

Correction

664—Bank United, NA to BankUnited, NA

Removal

[Pa.B. Doc. No. 21-247. Filed for public inspection February 19, 2021, 9:00 a.m.]