

THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 300]

Order Amending Rules 301, 302, 321, and 350 and Rescinding Rule 351 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 546 Magisterial Rules Docket

Order

Per Curiam

And Now, this 22nd day of May, 2024, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 53 Pa.B. 7725 (December 16, 2023):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 301, 302, 321, and 350 are amended and Rule 351 is rescinded in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective August 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 300. CIVIL ACTION

Rule 301. Definition; Scope.

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Comment:

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Except as otherwise provided in [**Rules 350 and 351**] **Pa.R.Civ.P.M.D.J. 350**, the rules in this chapter apply to [**(1)**] *de novo* appeals filed pursuant to 75 Pa.C.S. § 3369(j)(4), relating to automated work zone speed enforcement violations[;], and [**(2) actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1)**] **75 Pa.C.S. § 3345.1(i.4)**, relating to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.

Statutes authorizing a civil fine or penalty include 53 P.S. §§ 10617.1 and 10817-A relating to violations of zoning and joint municipal zoning ordinances.

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

EXPLANATORY COMMENT—1992

As a result of the computerization of the District Justice offices throughout the Unified Judicial System, the Civil Action Hearing Notice form has been

promulgated by Judicial Computer Services (State-wide Automation). Rule 301 recognizes the adoption of the Civil Action Hearing Notice form.

Rule 302. Venue.

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Comment:

This rule combines, with some minor changes, the Pennsylvania Rules of Civil Procedure relating to venue. See:

- (1) Individuals: Pa.R.Civ.P. 1006(a).
- (2) Partnerships: Pa.R.Civ.P. 2130(a).
- (3) Corporations: Pa.R.Civ.P. 2179(a).
- (4) Insurance Policies: Pa.R.Civ.P. 2179(b).
- (5) Unincorporated Associations: Pa.R.Civ.P. 2156(a).
- (6) Political Subdivisions: Pa.R.Civ.P. 2103(b).

This rule is not intended to repeal special statutory venue provisions, such as the: (1) venue provisions for actions involving installment sales of goods and services, 12 Pa.C.S. § 6307; (2) venue provisions of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692i, pertaining to actions brought by debt collectors against consumers; **and** (3) venue provisions for appeals from automated work zone speed enforcement violations, 75 Pa.C.S. § 3369(j)(4)[;] and [**(4) venue provisions for actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to**] **from** civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm, **75 Pa.C.S. § 3345.1(i.4)**. See Pa.R.Civ.P.M.D.J. 382(1) (pertaining to Acts of Assembly providing for special venue provisions that are not suspended).

* * * * *

Rule 321. Hearings and Evidence.

The magisterial district judge shall be bound by the rules of evidence, except that a bill, estimate, receipt, or statement of account that appears to have been made in the regular course of business may be introduced in evidence by any party without affidavit or other evidence of its truth, accuracy, or authenticity.

Comment:

The exception to the rules of evidence provided by this rule was inserted because the Pennsylvania statutes making certain business entries admissible in evidence apparently do not apply to bills, receipts, and the like that are made in the regular course of business but are not made as “records.” See 42 Pa.C.S. § 6108. The fact that this exception permits the introduction of these items of evidence without affidavit or other evidence of their truth, accuracy, or authenticity does not, of course, preclude the introduction of evidence contradicting them. The exception was deemed necessary because the items of evidence made admissible thereby are probably the proofs most commonly used in minor judiciary proceedings. See [**Rules 350D(2) and 351(d)**] **Pa.R.Civ.P.M.D.J. 350(d)(2)** for additional exceptions applicable to appeals from automated work zone speed enforcement violations and [**actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to**] **from** civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.

SATISFACTION OF MONEY JUDGMENTS

Comment:

Rule 350. [**Automated Work Zone Speed Enforcement Violation**] Appeals from Civil Traffic Violations.

[**A.**] (a) As used in this rule:

(1) “Appellant” means the owner of a vehicle who has requested the appeal of a determination by a hearing officer pursuant to 75 Pa.C.S. § 3369(j)(4), pertaining to automated work zone speed enforcement violations, or 75 Pa.C.S. § 3345.1(i.4)(4), pertaining to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.

(2) “Appellee” means:

(i) in matters brought pursuant to 75 Pa.C.S. § 3369(j)(4), the Pennsylvania Department of Transportation, the Pennsylvania Turnpike Commission, or the system administrator designated by those agencies pursuant to 75 Pa.C.S. § 3369(h)(3)(i) [.]; or

(ii) in matters brought pursuant to 75 Pa.C.S. § 3345.1(i.4)(4), a school entity, as defined in 75 Pa.C.S. § 3345.1(m), or a system administrator that has entered into an agreement with the school entity pursuant to 75 Pa.C.S. § 3345.1(g).

[**B.**] (b) *Venue*. An appeal filed pursuant to this rule shall only be filed in the magisterial district court in the magisterial district where the violation of 75 Pa.C.S. § 3369(c) or 75 Pa.C.S. § 3345.1(a.1)(1) occurred.

[**C.**] (c) *Notice of Appeal*.

(1) An appellant may appeal a determination of a hearing officer pursuant to 75 Pa.C.S. § 3369(j)(4) or 75 Pa.C.S. § 3345.1(i.4)(4) by filing a notice of appeal on a form prescribed by the State Court Administrator together with a copy of the hearing officer’s determination within 45 days after the date of its issuance.

(2) The appellant shall pay all costs for filing and service of the notice of appeal at the time of filing or, if without the financial resources to pay the costs of litigation, the appellant shall file a petition to proceed *in forma pauperis* pursuant to [**Rule 206E**] Pa.R.Civ.P.M.D.J. 206E.

(3) After setting the hearing date pursuant to [**Rule 305**] Pa.R.Civ.P.M.D.J. 305, the magisterial district judge shall serve the notice of appeal on the appellee by mailing a copy to the appellee at the address listed on the hearing officer’s determination by certified mail or comparable delivery method resulting in a return receipt in paper or electronic form. The return receipt shall show that the notice of appeal was received by the appellee.

[**D.**] (d) *Hearing; Evidence*.

(1) The proceeding shall be conducted *de novo* in accordance with these rules as if the action was initially commenced in a magisterial district court with the appellee having the burden of proof.

(2) The hearing is subject to the standards of evidence set forth in [**Rule 321**] Pa.R.Civ.P.M.D.J. 321, except that photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation may also be entered as evidence by any party without affidavit or other evidence of their truth, accuracy, or authenticity.

75 Pa.C.S. § 3369 established a program to provide for automated speed enforcement systems in active work zones on certain highways under the jurisdiction of the Pennsylvania Department of Transportation and the Pennsylvania Turnpike Commission. Similarly, 75 Pa.C.S. § 3345.1 provides for automated side stop signal arm enforcement systems to identify the owners of vehicles failing to stop for a school bus with flashing red lights and an activated side stop signal arm, as well as for the imposition of civil fines upon those found in violation. This rule was adopted to address the statutory provisions [of the statute] that [permits] permitting a *de novo* appeal to a magisterial district court from a determination of a hearing officer following an administrative hearing to contest an alleged violation of 75 Pa.C.S. § 3369(c) or 75 Pa.C.S. § 3345.1(a.1)(1). Because these actions are *de novo* appeals, they shall proceed as any other civil action commenced in a magisterial district court except as provided by this rule.

Insofar as other procedures under these rules may be applicable, the appellant shall be deemed the “defendant” and the appellee shall be deemed the “plaintiff.”

The initiating document in an appeal filed pursuant to [**Rule 350**] Pa.R.Civ.P.M.D.J. 350 is the notice of appeal, which shall be used in lieu of a complaint.

Photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation were added to the existing business record exceptions in [**Rule 321**] Pa.R.Civ.P.M.D.J. 321 because they are the proofs most likely to be used to support the permitted defenses to 75 Pa.C.S. § 3369(c) and 75 Pa.C.S. § 3345.1(a.1)(1).

The appellant shall pay civil fines incurred pursuant to 75 Pa.C.S. § 3369(e) or 75 Pa.C.S. § 3345.1(c) to the appellee and not to the magisterial district court. *See* Pa.R.Civ.P.M.D.J. 323, cmt. (clarifying that payments are made to the prevailing party and not the magisterial district court). If the magisterial district judge enters judgment in favor of the appellant, *i.e.*, the vehicle owner, the appellant is entitled to recover taxable costs from the appellee. *See* Pa.R.Civ.P.M.D.J. 206B (“[T]he prevailing party in magisterial district court proceedings shall be entitled to recover taxable costs from the unsuccessful party. Such costs shall consist of all filing, personal service, witness, and execution costs authorized by Act of Assembly or general rule and paid by the prevailing party.”) Procedures for enforcement of judgments, including judgments in favor of the appellant for taxable costs from the appellee, are set forth in [**Rules 401 et seq.**] Pa.R.Civ.P.M.D.J. 401 et seq. *See* 75 Pa.C.S. §§ 3345.1(i.4)(4) and 3369(j)(4) for limits on the judgment.

See [**Rules 1001 et seq.**] Pa.R.Civ.P.M.D.J. 1001 et seq. for procedures to appeal a judgment rendered by a magisterial district judge or to file a *praecipe* for a writ of *certiorari* in civil actions, including actions brought pursuant to this rule.

Rule 351. [Action to Contest Civil Liability for Passing a School Bus with Flashing Red Lights and an Activated Side Stop Signal Arm; Failure to Respond to a Notice of Violation.] [Rescinded].

[(a) As used in this rule:

(1) “Vehicle owner” means the owner of a vehicle alleged to have violated 75 Pa.C.S. § 3345, relating to enforcement of failure to stop for a school bus with flashing red lights and an activated side stop signal arm, brought pursuant to 75 Pa.C.S. § 3345.1.

(2) “Police department” means the police department issuing the notice of violation of 75 Pa.C.S. § 3345, relating to enforcement of failure to stop for a school bus with flashing red lights and an activated side stop signal arm, brought pursuant to 75 Pa.C.S. § 3345.1.

(b) *Venue*. An action filed pursuant to this rule shall only be filed in the magisterial district court in the magisterial district where the alleged violation of 75 Pa.C.S. § 3345 occurred.

(c) *Proceedings*.

(1) *Vehicle Owner Request to Contest Liability*.

(i) A vehicle owner may contest the liability alleged in the notice of violation within 30 days of the mailing of the notice of violation by filing a hearing request form prescribed by the State Court Administrator together with a copy of the notice of violation.

(ii) The vehicle owner shall pay all costs for filing and service of the hearing request form at the time of filing or, if without the financial resources to pay the costs of litigation, the vehicle owner shall file a petition to proceed *in forma pauperis* pursuant to Rule 206E.

(iii) After setting the hearing date pursuant to Rule 305, the magisterial district judge shall serve the hearing request on the police department by mailing a copy to the police department at the address listed on the notice of violation by certified mail or comparable delivery method resulting in a return receipt in paper or electronic form. The return receipt shall show that the hearing request was received by the police department.

(2) *Vehicle Owner Fails to Respond to Notice of Violation*. If the vehicle owner fails to respond to the notice of violation within 30 days of the original notice by either paying the fine as indicated on the notice of violation or contesting liability as provided in subdivision (c)(1), the police department may file a civil complaint against the vehicle owner pursuant to Rule 303.

(d) *Evidence*. The hearing is subject to the standards of evidence set forth in Rule 321, except that photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation may also be entered as evidence by any party without affidavit or other evidence of their truth, accuracy, or authenticity.

Comment

75 Pa.C.S. § 3345.1 provides for automated side stop signal arm enforcement systems to identify and civilly fine the owners of vehicles failing to stop for a school bus with flashing red lights and an activated side stop signal arm. This rule was adopted to address the provisions of the statute that (1) allow a vehicle owner to contest liability for a notice of violation and (2) establishes a mechanism for a police department to file a complaint when a vehicle owner has failed to respond to a notice of violation.

Insofar as other procedures under these rules may be applicable, the vehicle owner shall be deemed the “defendant” and the police department shall be deemed the “plaintiff.”

A vehicle owner issued a notice of violation under 75 Pa.C.S. § 3345.1 may contest liability by requesting a hearing with the magisterial district judge in the magisterial district where the violation occurred. The initiating document in an action filed by a vehicle owner to contest liability is the hearing request form, which shall be used in lieu of a complaint.

If the magisterial district judge finds the vehicle owner liable for the violation, the vehicle owner shall pay civil fines incurred pursuant to 75 Pa.C.S. § 3345.1(c) to the police department and not to the magisterial district court. See Rule 3.10(A)(2) of the Rules Governing Standards of Conduct of Magisterial District Judges (prohibiting a magisterial district judge from engaging in any activity related to the collection of a claim or judgment for money); see also Pa.R.Civ.P.M.D.J. 323, Comment (“The payments are to be made to the plaintiff and not to the magisterial district judge”).

If the magisterial district judge enters judgment in favor of the vehicle owner, the vehicle owner is entitled to recover taxable costs from the police department. See Pa.R.Civ.P.M.D.J. 206B (“The prevailing party in magisterial district court proceedings shall be entitled to recover taxable costs from the unsuccessful party. Such costs shall consist of all filing, personal service, witness, and execution costs authorized by Act of Assembly or general rule and paid by the prevailing party.”). Procedures for enforcement of judgments, including judgments in favor of the plaintiff for taxable costs from the defendant, are set forth in Rules 401 *et seq.*

If the vehicle owner fails to respond to the notice of violation within 30 days of the original notice by either paying the fine as indicated on the notice of violation or contesting liability as provided in subdivision (c)(1), the police department may file a civil complaint against the vehicle owner in the magisterial district where the violation occurred pursuant to Rule 303. See 75 Pa.C.S. § 3345.1(i.1)(2)(iii). A complaint filed by a police department to enforce a notice of violation when the vehicle owner failed to respond will proceed as any other civil action filed pursuant to Rule 303 except as otherwise provided in this Rule. See also Pa.R.Civ.P.M.D.J. 206 (pertaining to costs).

Photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation were added to the existing business record exceptions in Rule 321 because they are the proofs most likely to be used to support the permitted defenses to 75 Pa.C.S. § 3345.1(c).

See Rules 1001 *et seq.* for procedures to appeal a judgment rendered by a magisterial district judge or to file a *praecipe* for a writ of *certiorari* in civil actions, including actions brought pursuant to this rule.]

Comment:

Provisions of former Pa.R.Civ.P.M.D.J. 351 were incorporated in Pa.R.Civ.P.M.D.J. 350.

**SUPREME COURT OF PENNSYLVANIA
MINOR COURT RULES COMMITTEE
ADOPTION REPORT**

**Amendment of Rules 301, 302, 321, and 350 and
Rescission of Rule 351 of the Pennsylvania Rules of
Civil Procedure Governing Actions and
Proceedings Before Magisterial District Judges**

On May 22, 2024, the Supreme Court amended Rules 301, 302, 321, and 350 and rescinded Rule 351 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges, pertaining to civil enforcement of traffic violations. The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Two legislative enactments created civil enforcement mechanisms for certain traffic violations. Act 86 of 2018 authorized the use of automated work zone speed enforcement systems in active work zones along the Pennsylvania Turnpike and “[f]ederal aid highways only under the jurisdiction of [PennDOT].” *See* 75 Pa.C.S. § 3369(a). Act 38 of 2020 authorized the use of automated enforcement systems on school buses to identify and issue violations to the owners of vehicles passing a stopped school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated. *See* 75 Pa.C.S. § 3345.1(a), (c). Both Acts included appeals of violations to magisterial district courts, which necessitated rulemaking to accommodate these new civil appeals.

Variations in the Acts necessitated the promulgation of distinct procedural rules relating to appeal procedures. *See* Pa.R.Civ.P.M.D.J. 350-351 (rules pertaining to automated work zone violation appeals and school bus violation appeals, respectively). For example, challenges to work zone violations are initiated by a filing a request for an administrative hearing before a hearing officer with a subsequent *de novo* appeal available before a magisterial district judge. *See* 75 Pa.C.S. § 3369(j). In contrast, appeals from school bus violations could be filed directly with the magisterial district court. *See* 75 Pa.C.S. § 3345.1(i.1)(3)(i) (effective through December 21, 2023). Section 3345.1 also contained a unique provision permitting the “the police department [to] turn the matter over to the magisterial district judge where the violation occurred” when the vehicle owner did not pay the fine or contest liability. 75 Pa.C.S. § 3345.1(i.1)(2)(iii).

Act 19 of 2023, adopted on October 23, 2023, reconciled differences in the appeal processes of the two enforcement schemes. It amended § 3345.1 to require a vehicle owner appeal a school bus violation to an administrative hearing officer before filing a *de novo* appeal with the magisterial district court. *See* 75 Pa.C.S. § 3345.1(i.4). It also eliminated the action before the magisterial district judge to collect unpaid fines.

With § 3369 and § 3345.1 nearly identical, the Committee drafted a proposal to rescind Pa.R.Civ.P.M.D.J. 351 and incorporate its provisions relating to school bus violation appeals into Pa.R.Civ.P.M.D.J. 350. It was the Committee’s intent to create a single rule addressing appeal procedures in civil traffic enforcement matters that can accommodate new programs in the future.

One topic where § 3369 and § 3345.1 did not align initially was the time for appealing a case to a magisterial district judge. Section 3369 was silent on the appeal period, while § 3345.1(i.4)(4) provided for a 45-day appeal

period. The Committee believed appeals from hearing officer determinations in both work zone and school bus violation cases should be uniform and proposed a 30-day appeal period for both actions.

The Committee published the proposed amendments at 53 Pa.B. 7725 (December 16, 2023). As published, the proposal included an amendment to Pa.R.Civ.P.M.D.J. 381 to suspend 75 Pa.C.S. § 3345.1(i.4)(4), which provides for a 45-day appeal period from the issuance of the hearing officer determination in a school bus violation appeal, in favor of a 30-day appeal period applicable to both work zone and school bus violations. However, post-publication, the General Assembly further amended the work zone statute, 75 Pa.C.S. § 3369(j)(4), to allow a vehicle owner 45 days to appeal from a determination of a hearing officer to the magisterial district court. *See* Act of December 14, 2023, P.L. 344, No. 38, § 2. This eliminated the conflict between the work zone and school bus statutes with respect to the time for appeal.

The Committee considered whether it should recommend suspension of the 45-day appeal period to the Court. While 45 days is beyond the range of most other appeal periods, the Committee could not identify a compelling reason to recommend suspension of the 45-day period and instead require a 30-day appeal period. The Committee was further guided by the Court’s recent adoption of amendments to the Rules of Appellate Procedure establishing a 45-day period for a petition for review of a determination by “a criminal justice agency with statewide jurisdiction denying a request for dissemination of criminal history investigative information, in accordance with 18 Pa.C.S. § 9158.4, shall be filed within 45 days after service of the denial.” Pa.R.A.P. 1512(b)(4).

Act 38 of 2023 also eliminated a second conflict between the work zone and school bus statutes relating to damage awards to a vehicle owner. There were reports that some of the early school bus appeal cases resulted in monetary judgments for vehicle owners in excess of cost recovery as permitted by Pa.R.Civ.P.M.D.J. 206B. In response, the General Assembly added a provision to the school bus statute and, more recently, to the work zone statute limiting the magisterial district judge to finding an owner liable or not liable for violating this section. 75 Pa.C.S. § 3345.1(i.4), 75 Pa.C.S. § 3369(j)(4). As published, the comment to proposed Pa.R.Civ.P.M.D.J. 350 included a cross-reference to § 3345.1(i.4)(4), pertaining to limits on the judgment. Post-publication, a similar cross-reference to § 3369(j)(4) was added to the comment.

These rule changes become effective on August 1, 2024.

[Pa.B. Doc. No. 24-787. Filed for public inspection June 7, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Amendment of Local Rule 1920.51; No. AD-427-2024

Administrative Order of Court

And Now, this 23rd day of May, 2024, the Court hereby amends Local Rule of Civil Procedure 1920.51 in accordance with the following, effective thirty (30) days after the publication of same in *The Pennsylvania Bulletin*.

Erin J. Karmen, Esquire, Judicial Law Clerk, is Ordered and Directed to do the following:

1. File one (1) copy of this Order and the following Amended Local Rule 1920.51 with the Administrative Office of Pennsylvania (AOPC) via email to adminrules@pacourts.us.

2. File one (1) copy of this Order and the following Amended Local Rule 1920.51 with the Legislative Bureau for publication in *The Pennsylvania Bulletin*.

3. Publish a copy of this Order and the following Amended Local Rule 1920.51, on the Clinton County Court website.

By the Court

CRAIG P. MILLER,
President Judge

Rule 1920.51. Hearing by Permanent Hearing Officer.

(A) The Court of Common Pleas of Clinton County [**shall**] **may** appoint a Hearing Officer to hear the following issues concerning divorce matters pending before the Court:

- (1) Alimony;
- (2) Equitable Distribution of Marital Property;
- (3) Counsel Fees;
- (4) Costs and Expenses;
- (5) Divorce pursuant to § 3301(a) or § 3301(b) of the Divorce Code; and

(6) Any allegations in any Counter-Affidavit denying the averments in the Affidavit and action under § 3301(c)(2) or § 3301(d) of the Divorce Code, including the date of separation.

(B) Any party may request a hearing before the Hearing Officer on the above issues by filing a motion in the Office of the Prothonotary requesting that the Court Administrator schedule said proceeding.

[Pa.B. Doc. No. 24-788. Filed for public inspection June 7, 2024, 9:00 a.m.]

SUPREME COURT
Title 37—LAW

**PENNSYLVANIA COMMISSION ON CRIME AND
DELINQUENCY**

[37 PA. CODE CH. 481]

**Preliminary Standards for Delivery of Effective
Indigent Defense Services Pursuant to Act 34 of
2023, Article II-F, Indigent Defense; No. 617
Judicial Administration Docket**

Order

Per Curiam

And Now, this 29th day of May, 2024, pursuant to Article V, Section 10 of the Constitution of Pennsylvania and in the interests of justice and efficient administration pursuant to Pa.R.J.A. 103(a)(3),

It Is Ordered that, in accordance with Section 203-F(i)(3) of Act 34 of 2023, and in response to the submission of the Indigent Defense Advisory Committee

(IDAC) as approved by the Pennsylvania Commission on Crime and Delinquency (PCCD), preliminary standards for the delivery of effective indigent defense services in the Commonwealth of Pennsylvania are adopted in the attached form.

These preliminary standards are adopted solely for the purpose of providing guidance to IDAC and PCCD regarding Indigent Defense Grant Program applications submitted in fiscal year 2023-24.

These preliminary standards are aspirational in nature. Adoption of these preliminary standards is not a determination of the constitutionality of Act 34, or any of its provisions, under the Pennsylvania Constitution or the Constitution of the United States, and does not create or determine any legal rights.

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

Annex A

TITLE 37. LAW

**PART VI. COMMISSION ON CRIME AND
DELINQUENCY**

CHAPTER 481. INDIGENT DEFENSE

**Subchapter A. Indigent Defense Advisory
Committee**

**Preliminary Standards for Delivery of Effective
Indigent Defense Services**

§ 481.21. Standard 1: Funding, structure and oversight.

Where county case volume allows, indigent defense should be a mixed system: primarily dedicated public defender offices, augmented by additional court appointed/conflict counsel to handle overflow and conflict of interest cases. The compensation for lawyers working for public defender offices should be appropriate for and comparable to other publicly funded lawyers. Court appointed/conflict counsel should be paid a reasonable fee, in a timely manner, that reflects the cost of overhead and other office expenses, as well as payment for work. Investigators, social workers, experts and other staff and service providers necessary to indigent defense for all indigent defense providers should also be compensated in a manner consistent with this principle.

§ 481.22. Standard 2: Essential Components of Effective Representation.

Indigent defense providers should adopt a client-centered approach to representation based around a client's needs and working with them to achieve their goals. Indigent defense providers should have the assistance of investigators, social workers, mitigation specialists, experts and other specialized professionals necessary to meet indigent defense needs. Funding for such services should be provided to and controlled by indigent defense providers. Indigent defense providers should address collateral issues that are relevant to their clients' cases. Indigent defense providers can offer direct assistance with such issues or establish collaborations with, or provide referrals to civil legal services organizations, social services providers and other lawyers and non-lawyer professionals.

[Pa.B. Doc. No. 24-789. Filed for public inspection June 7, 2024, 9:00 a.m.]