

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

[204 PA. CODE CHS. 85 AND 93]

Amendments to the Rules of Organization and
Procedure; Order No. 51; Doc. No. R-114

In this Order, The Disciplinary Board of the Supreme Court of Pennsylvania is adopting amendments to its Rules of Organization and Procedure relating to (i) the retention of records by the Board, (ii) the designation of the Chair and Vice Chair of the Board, and (iii) the addresses of certain offices maintained by the Board.

The Rules of the Board currently provide that the Board will maintain permanent records of all matters processed by the Board and the disposition thereof, but that the permanent retention of correspondence, transcripts, briefs and other similar documents which underlie the final disposition of a matter by the Board is not required. 204 Pa. Code § 93.54. The Rules are silent, however, as to how long correspondence, transcripts, briefs, etc. must be retained. This Order amends § 93.54 to specify that the materials that are not retained permanently will be retained for ten years. A Notice of Proposed Rulemaking regarding this change was published in the *Pennsylvania Bulletin* on December 28, 1996. No comments were received in response.

The Rules of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By Order dated March 4, 1997 (No. 318, Disciplinary Docket No. 3), the Supreme Court of Pennsylvania amended the Pennsylvania Rules of Disciplinary Enforcement with regard to the designation of the Chair and Vice Chair of the Board. The Board is taking this opportunity to make conforming changes to its Rules.

Finally, the Board is also taking this opportunity to update the addresses set forth in its Rules for certain of the offices maintained by the Board.

The Disciplinary Board of the Supreme Court of Pennsylvania hereby finds that the amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Rule 205(c)(10) of the Pennsylvania Rules of Disciplinary Enforcement, orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This order shall take effect immediately.

By the Disciplinary Board of the
Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.5. Location of Office of Disciplinary Counsel.

(a) *Chief Disciplinary Counsel.* The location of the headquarters of the Office of Disciplinary Counsel and the office of the Chief Disciplinary Counsel is:

Office of Disciplinary Counsel
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Suite 400

Union Trust Building]

501 Grant Street

Suite 3710

One Oxford Centre

Pittsburgh, PA 15219

[(412-565-3173)

(fax: 412-565-7620)]

(412-565-2300)

(fax: 412-565-7833)

(b) *Disciplinary District Offices.* The present locations of the district offices of the Office of Disciplinary Counsel and the office of the Assistant Disciplinary Counsel for each such disciplinary district are:

- (1) District I Office
Office of Disciplinary Counsel
The Disciplinary Board of the
Supreme Court of Pennsylvania
[2100 North American Building
121 South Broad Street]
16th Floor, Seven Penn Center
1635 Market Street
Philadelphia, PA [19107] 19103
(215-560-6296)
(fax: 215-560-4528)
- (2) District II Office
Office of Disciplinary Counsel
The Disciplinary Board of the
Supreme Court of Pennsylvania
[Suite 411
One Montgomery Plaza
Swede and Airy Streets
Norristown, PA 19401]
Suite 6000
One Sentry Parkway
Blue Bell, PA 19422
(610-270-1896)
(fax: 610-270-1006)

* * * * *

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter B. THE DISCIPLINARY BOARD

§ 93.24. Officers.

(a) [*Chairman*] *Chair and Vice Chairman*] *Chair*. Enforcement Rule 205(a) provides that the Supreme Court shall designate the Board [*Chairman*] *Chair* and the Board Vice [*Chairman from among the members of the Board who are members of the bar of this Commonwealth*] *Chair*. In case of the vacancy in office, absence, disability or other unavailability of the Board [*Chairman*] *Chair*, the Board Vice [*Chairman*] *Chair* shall exercise the powers and perform the duties of the Board [*Chairman*] *Chair*.

* * * * *

§ 93.54. Powers and duties of Office of the Secretary.

The Office of the Secretary shall have the power and duty:

(1) To maintain permanent records of all matters processed by the Board and the disposition thereof. This paragraph shall not be construed to require the permanent retention of correspondence, transcripts, briefs and other similar documents which underlie the final disposition of a matter by the Board, but shall include the findings of any hearing committee or special master and the action and any related opinion or opinions of the Board with respect thereto, and any other information which these rules expressly require to be made a matter of record. **Correspondence, transcripts, briefs and other similar documents which underlie the final disposition of a matter by the Board shall be retained for ten years following such disposition.**

* * * * *

[Pa.B. Doc. No. 97-631. Filed for public inspection April 25, 1997, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CH. 91]

List of Financial Institutions

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT
CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter H. OVERDRAFT NOTIFICATION

§ 91.173. Approval and determination of financial institutions.

* * * * *

APPENDIX A

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:

Bank Code

A.

- 374 Abington Savings Bank
- 2 Adams County National Bank
- 477 Advest, Inc.
- 302 Allegheny Valley Bank of Pittsburgh
- 375 Altoona First Savings Bank
- 280 Ambassador Bank of the Commonwealth
- 376 Ambler Savings and Loan Association
- 502 American Eagle Savings Bank, PaSA
- 377 Apollo Trust Company
- 407 Armstrong County Trust Company

B.

- 155 Bank of Hanover & Trust Company
- 3 Bank of Lancaster County, N.A.
- 415 Bank of Landisburg (The)
- 519 Beaver Valley Federal Credit Union
- 396 Bell Federal Savings & Loan Association
- 397 Beneficial Mutual Savings Bank
- 398 Berks County Bank
- 399 Bernville Bank, N.A.
- 391 Blue Ball National Bank
- 520 Boston Safe Deposit & Trust Company
- 392 Brentwood Savings Bank
- 495 Brown Brothers Harriman & Co.
- 161 Bryn Mawr Trust Company
- 10 Bucktail Bank and Trust Company

C.

- 480 Cambria County Federal Savings & Loan Assoc.
- 521 Carnegie Bank, N.A.
- 393 Carnegie Savings Bank
- 11 Central Bank
- 12 Century National Bank & Trust Co.
- 13 Cenwest National Bank
- 14 Chambersburg Trust Company
- 394 Charleroi Federal Savings Bank
- 238 Citizens and Northern Bank
- 395 Citizens Bank and Trust Company - Palmerton
- 352 Citizens National Bank of Ashland
- 15 Citizens National Bank - Evans City
- 328 Citizens National Bank of Lansford
- 420 Citizens National Bank - Myersdale
- 422 Citizens National Bank of Slatington
- 177 Citizens National Bank of Southern PA
- 206 Citizens Savings Association
- 353 Citizens Trust Company
- 16 Clearfield Bank & Trust Co.
- 354 Coatesville Savings Bank
- 17 Columbia County Farmers National
- 250 Commerce Bank, PA, NA
- 18 Commerce Bank/Harrisburg, NA
- 223 Commercial National Bank of Westmoreland County
- 522 Commonwealth Bank
- 128 Commonwealth State Bank
- 21 Community Bank, National Association
- 204 Community Banks National Association
- 310 Community Bank & Trust Company
- 430 Community National Bank of Northwestern PA
- 490 Community Bank
- 132 Community State Bank of Orbisonia
- 103 Corestates Bank, N.A.
- 379 Corry Savings Bank
- 23 County National Bank
- 380 County Savings Association
- 381 Crusader Bank
- 382 C S B Bank

D.			
24	Dauphin Deposit Bank	421	First National Bank of Fredericksburg
136	Dauphin National Bank	275	First National Bank - Garrett
25	Deposit Bank	322	First National Bank of Greencastle
339	Dime Bank (The)	165	First National Bank of Herminie (The)
27	Dollar Bank, Federal Savings Bank	167	First National Bank of Jermyn (The)
308	Dollar Savings Association	389	First National Bank of Leechburg
239	Downingtown National Bank	182	First National Bank of Leesport (The)
222	Drovers Bank (The)	417	First National Bank of Lilly (The)
423	Dwelling House Savings & Loan Association	418	First National Bank of Liverpool (The)
E.		43	First National Bank - Marysville
		44	First National Bank of McConnellsburg (The)
357	Eagle National Bank	46	First National Bank of Mercersburg (The)
424	East Penn Bank	419	First National Bank of Mifflintown (The)
358	East Prospect State Bank	198	First National Bank of Minersville (The)
340	East Stroudsburg Savings Association	524	First National Bank of New England
500	Elderton State Bank	47	First National Bank of Newport (The)
259	Elverson National Bank	426	First National Bank of Palmerton (The)
28	Ephrata National Bank (The)	48	First National Bank of Pennsylvania
383	ESB Bank, F.S.B.	427	First National Bank of Port Allegheny (The)
342	Everett Bank (The)	428	First National Bank of Slippery Rock (The)
F.		321	First National Bank of Spangler (The)
		429	First National Bank of Spring Mills (The)
384	Farmers & Merchants Bank - Honesdale	52	First National Bank of West Chester (The)
31	Farmers & Merchants Trust Company	175	First National Community Bank
30	Farmers First Bank	54	First National Trust Bank
436	Farmers National Bank	378	First Pennsylvania Savings Association
205	Farmers National Bank of Emlenton	190	First Philson Bank, N.A.
295	Farmers Trust Bank	220	First Republic Bank
334	Fayette Bank	40	First Savings Bank of Perkasio
34	Fidelity Deposit & Discount Bank	349	First Star Savings Bank
343	Fidelity Savings and Loan of Bucks County	317	First Sterling Bank
311	Fidelity Savings Bank	338	First Union National Bank
60	Financial Trust Company - Carlisle	408	First United National Bank
438	Financial Trust Company - Hanover	505	First Western Bank, F.S.B.
385	First American National Bank of PA	312	First Western Bank, N.A.
170	First Bank of Philadelphia	325	FirstService Bank
332	First Capitol Bank	151	Firstrust Savings Bank
174	First Citizens National Bank	493	FNB Bank, N.A.
191	First Columbia Bank & Trust Co.	282	Founders' Bank
350	First Commercial Bank of Philadelphia	291	Fox Chase Federal Savings Bank
523	First County Bank	57	Frankford Bank, N.A.
290	First Executive Bank	361	Franklin First Savings Bank
369	First Federal Savings & Loan Assoc. of Bucks County	241	Franklin Mint Federal Credit Union
		58	Fulton Bank
437	First Federal Savings & Loan Assoc. of Carnegie	59	Fulton County National Bank & Trust Company
504	First Federal Savings & Loan Assoc. of Greene County	G.	
39	First Federal Savings & Loan Assoc. of Harrisburg	506	Glen Rock State Bank
390	First Federal Savings & Loan Assoc. of Hazleton	409	Grange National Bank of Wyoming County
388	First Federal Savings Bank	499	Gratz National Bank (The)
432	First Federal Savings Bank of Kane	401	Great American Federal Savings & Loan Association
263	First Federal Savings Bank of New Castle	400	Great Valley Savings Bank
370	First Financial Savings Bank	498	Greenville Savings Bank
318	First Heritage Bank	193	Guaranty Bank, National Association
525	First Heritage Federal Credit Union	H.	
228	First Keystone Federal Savings Bank	402	Halifax National Bank
266	First Lehigh Bank	244	Hamlin Bank and Trust Company
50	First National Bank & Trust Company	64	Harleysville National Bank and Trust Company
51	First National Bank & Trust Co. of Newtown (The)	362	Harleysville Savings Bank
416	First National Bank in Fleetwood (The)	65	Harris Savings Bank
42	First National Bank of Berwick (The)	501	Harrisburg BELCO, Federal Credit Union
216	First National Bank of Bradford County (The)	363	Hatboro Federal Savings
138	First National Bank of Canton	324	Heritage National Bank
246	First National Bank of Centre Hall (The)	410	Herndon National Bank (The)
		411	Hoblitzell National Bank
		176	Hollidaysburg Trust Company
		68	Honesdale National Bank (The)

- 508 Huntingdon National Bank of PA
364 Huntingdon Valley Federal Savings & Loan Assoc.
I.
365 Indiana First Savings Bank
200 Iron and Glass Bank
526 Iron Workers Savings Bank
366 Irwin Bank & Trust Company
J.
143 Jefferson Bank
70 Jersey Shore State Bank
127 Jim Thorpe National Bank
71 Johnstown Bank and Trust
488 Jonestown Bank and Trust Company
72 Juniata Valley Bank (The)
K.
403 Keystone Savings Bank
414 Kishacoquillas Valley National Bank (The)
L.
404 LA Bank, National Association
74 Lafayette Bank
75 Laurel Bank
76 Laurel Savings Bank
187 Lebanon Valley National Bank
405 Lewistown Trust Company
78 Luzerne National Bank
M.
269 Madison Bank
80 Main Line Federal Savings Bank
386 Malvern Federal Savings Bank
412 Manor National Bank
510 Marion Center National Bank
387 Marquette Savings Bank
81 Mars National Bank (The)
367 Mauch Chunk Trust Company
368 Mechanics Savings and Loan, FSA
5 Mellon Bank, N.A.
413 Merchants Bank of PA
192 Merchants National Bank of Bangor (The)
478 Merchants National Bank of Kittanning
294 Mid Penn Bank
87 Mid-State Bank and Trust Company
511 Mifflin County Savings Bank
276 Mifflinburg Bank & Trust Company
344 Miners Bank of Lykens
345 Minersville Safe Deposit Bank and Trust Company
327 Montour Bank
346 Morton Savings and Loan Association
180 Moxham National Bank
484 Muncy Bank & Trust Company (The)
N.
440 National Bank of Commerce
433 National Bank of Malvern
435 National Bank of North East
527 National Bank of the Commonwealth
337 National City Bank of Pennsylvania
88 National Penn Bank
157 Nazareth National Bank & Trust Company
371 NBO National Bank
347 Neffs National Bank (The)
372 Nesquehoning Savings Bank
434 New Tripoli National Bank (The)
90 NOR-CAR Federal Credit Union
492 North Penn Savings & Loan Association
92 Northern Central Bank
373 Northside Bank
439 Northumberland National Bank
93 Northwest Savings Bank
O.
348 Old Forge Bank
323 Omega Bank, NA
489 OMEGA Federal Credit Union
94 Orrstown Bank
P.
267 Parkvale Savings Bank
512 Patriot Savings Bank
96 Penn Central National Bank
97 Penn Security Bank & Trust Company
320 Pennsylvania Capital Bank
98 Pennsylvania National Bank
441 Pennsylvania Savings Bank
445 Pennsylvania State Bank
442 Pennview Savings Bank
446 Peoples Bank and Trust Company
99 Peoples Bank of Glen Rock
185 Peoples Bank of Oxford (The)
164 Peoples Bank of Unity
188 Peoples Bank of Western Pennsylvania
154 Peoples Home Savings Bank
482 Peoples National Bank of Rural Valley (The)
447 Peoples National Bank of Susquehanna County
444 Peoples Savings Bank
491 Peoples State Bank (The)
443 Peoples Thrift Savings Bank
131 PFC Bank
448 Phoenixville Federal Savings
168 Pioneer American Bank, N.A.
453 Pittsburgh Home Savings Bank
79 PNC Bank, National Association
528 Polonia Bank
449 Port Richmond Savings
454 Portage National Bank
450 Premier Bank
455 Prestige Bank, FSB
306 Prime Bank
202 Progress Federal Savings Bank
451 Progressive Home Federal
456 Prudential Savings Bank
Q.
107 Quakertown National Bank (The)
R.
109 Reeves Bank
245 Regent National Bank
487 Reliable Savings Bank, PaSA
452 Reliance Savings Bank
463 Rittenhouse Trust Company (The)
496 Roxborough Manayunk Federal Savings Bank
208 Royal Bank of Pennsylvania
S.
153 S&T Bank
457 Savings and Loan Association of Milton
514 Schuylkill Savings & Loan Association
464 Scottdale Bank & Trust Company (The)
460 Second Federal Savings & Loan Assoc. of Philadelphia
515 Second National Bank
335 Second National Bank of Masontown
147 Security National Bank

- 461 Security Savings Association of Hazleton
- 516 Sentry Federal Credit Union
- 458 Sharon Savings Bank
- 462 Slovenian Savings & Loan Assoc. of Franklin -
Conemaugh
- 459 Smithfield State Bank
- 486 Somerset Trust Company
- 469 Spring Hill Savings Bank, FSB
- 111 Southwest National Bank of PA
- 316 Sovereign Bank, FSB
- 465 St. Edmond's Savings and Loan Association
- 518 Standard Savings Bank
- 529 Suburban Community Bank
- 466 Suburban Federal Savings Bank
- 158 1st Summit Bank
- 485 Summit Bank
- 517 Sun Bank
- 236 Swineford National Bank

T.

- 26 Third Federal Savings Bank
- 150 Three Rivers Bank & Trust Company
- 468 Troy Hill Federal Savings Bank
- 467 Turbotville National Bank (The)
- 313 Twin Rivers Community Bank

U.

- 113 Union Bank and Trust Company
- 481 Union Building and Loan Savings Bank
- 232 Union National Bank & Trust Co.
- 483 Union National Bank of Mount Carmel (The)
- 133 Union National Bank of Mount Joy
- 243 Unitas National Bank
- 472 United Bank of Philadelphia
- 475 United Savings Bank
- 116 United States National Bank
- 117 United Valley Bank

V.

W.

- 119 Washington Federal Savings Bank
- 121 Wayne Bank
- 122 West Milton State Bank
- 494 West View Savings Bank
- 473 Westmoreland Federal Savings and Loan Assoc.
of Latrobe
- 476 William Penn Savings and Loan Association
- 123 Williamsport National Bank
- 474 Willow Grove Bank
- 160 Wilmington Trust of PA
- 272 Woodlands Bank

X.

Y.

- 124 York Bank and Trust Company (The)

Z.

ELAINE M. BIXLER,
Secretary

[Pa.B. Doc. No. 97-632. Filed for public inspection April 25, 1997, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE [207 PA. CODE CH. 3]

[Correction]

Amendment to Rules Relating to Initiation of Formal Charges; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 4th day of April, 1997, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, and in accordance with this Court's Order dated February 13, 1997, having adopted a proposed amendment to Rule of Procedure No. 301(C) and a new subsection (D), *It Is Hereby Ordered*:

That Rule of Procedure No. 301(C) and new subsection (D) shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 3. INITIATION OF FORMAL CHARGES

Rule 301. Initiating Formal Charges; Conference Judge; Scheduling.

(A) *Board Complaint.* Proceedings in the Court shall be commenced by the filing of a Board Complaint with the Clerk and concurrent service of the Board Complaint on the Judicial Officer.

(B) *Appointment of Conference Judge.* Within 10 days after a Board Complaint is filed pursuant to paragraph (A), the President Judge shall appoint a member of the Court to serve as Conference Judge on the case as provided in these rules.

(C) *Duties of Conference Judge Following the Filing of Formal Complaint.*

In addition to the other duties of Conference Judge set forth in these rules, the Conference Judge shall:

- (1) dispose of all pre-trial motions;
- (2) schedule and conduct a pre-trial conference, in accordance with C.J.D.R.P. No. 421; and
- (3) upon disposition of all pre-trial matters, certify to the President Judge notice that the matter is ready for trial.

(D) The Clerk shall serve certified copies of orders scheduling pre-trial conferences and trials to the Board and the Judicial Officer.

[Pa.B. Doc. No. 97-584. Filed for public inspection April 18, 1997, 9:00 a.m.]

PART IV. COURT OF JUDICIAL DISCIPLINE
[207 PA. CODE CH. 5]

[Correction]

Amendment to Rules Relating to Trial Procedures;
Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 4th day of April, 1997, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, and in accordance with this Court's Order dated February 13, 1997, having adopted a proposed amendment to Rule of Procedure No. 502(B)(4), *It Is Hereby Ordered:*

That Rule of Procedure No. 502(B)(4) shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE II. PROCEEDINGS BASED ON THE
FILING OF FORMAL CHARGES

CHAPTER 5. TRIAL PROCEDURES

Rule 502. Trial. Stipulations of Fact. Conclusions of
Law. Withdrawal of Counts.

(A) The trial shall be held before the Court and shall be open to the public.

(B) Conduct of Trial.

(1) All testimony shall be under oath.

(2) The Board and the Judicial Officer shall be permitted to present evidence and examine and cross-examine witnesses. The Judicial Officer may, but shall not be required to, testify.

(3) At the conclusion of the trial, the Board and the Judicial Officer may, at the request of the Court, present oral argument and shall submit proposed findings of fact and conclusions of law.

(4) The trial shall be recorded verbatim. Requests and orders for transcripts shall be governed by Pa.R.J.A. 5000.5. Any party requesting notes of testimony shall bear the cost of transcription. When the notes of testimony have been transcribed, the court reporter shall first submit the transcript to the Clerk. Following receipt and review of the transcript, the Court shall lodge the transcript and shall inform the court reporter of said lodging. In no instance shall the court reporter provide a version of the transcript to a requesting party until the transcript is lodged, and the Clerk has informed the court reporter and the parties that the transcript has been lodged.

* * * * *

[Pa.B. Doc. No. 97-585. Filed for public inspection April 18, 1997, 9:00 a.m.]

Title 231—RULES OF CIVIL
PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1920]

Amendment of the Rules Relating to § 3301(c) and
(d) Divorces; No. 279; Doc. No. 5

Order

Per Curiam:

And Now, this 10th day of April, 1997, Pennsylvania Rules of Civil Procedure 1920.42, 1920.72 and 1920.73 are amended as follows.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration 103(b) and shall be effective July 1, 1997.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR
ANNULMENT OF MARRIAGE

Rule 1920.42. Affidavit and Decree under [Section] § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in [Section] § 3301(c) and § 3301(d)(1)(i) Divorces. Counter-affidavit.

(a) If a complaint has been filed requesting a divorce on the ground of irretrievable breakdown and

(1) both parties have filed an affidavit under [Section] § 3301(c) of the Divorce Code substantially in the form prescribed by Rule 1920.72(b), or

(2) either party has filed a [Section] § 3301(d) affidavit under [Section] § 3301(d) of the Divorce Code substantially in the form prescribed by Rule 1920.72[(c)](d) the averments of which the other party has admitted or failed to deny,

the prothonotary on praecipe in the form prescribed by Rule 1920.73(b) shall transmit the record to the court, which shall review the record and enter the appropriate decree. No master shall be appointed.

(b) The affidavit required by [Section] § 3301(c) of the Divorce Code must have been executed.

(1) ninety days or more after both filing and service of the complaint, and

(2) within thirty days of the date [of] the affidavit was filed.

(c) An affidavit of consent may be withdrawn only with leave of court.

(d)(1) Except as provided in (e), no decree shall be entered by the court under [Section] § 3301(c) or § 3301(d)(1)(i) of the Divorce Code unless a notice of intention to request entry of divorce decree, substantially in the form prescribed by Rule 1920.73(a), was mailed or

delivered[, at least twenty days prior to the date of the filing of the praecipe to transmit the record,] to the attorney of record of the party against whom the decree is to be entered or, if there is no attorney of record, to the party, at least twenty days prior to the date of the filing of the praecipe to transmit the record. [A copy of the notice shall be attached to the] The praecipe [which] shall state the date and manner of service of the notice, a copy of which shall be attached.

(2) If the party against whom the decree is to be entered has no attorney of record, the notice required by subdivision [(c)(1)] (d)(1) shall be accompanied by a form counter-affidavit substantially in the form prescribed by Rule 1920.72[(c)](e) [which the other party may use to deny allegations of the Section 3301(d) affidavit or to claim economic relief under the Divorce Code.

Official Note: This counter-affidavit will be filed only if the [defendant] party against whom the decree is to be entered has not previously denied the allegations of the [plaintiff's] other party's affidavit or has not previously claimed economic relief by counterclaim or petition.

(e) Notice of intention to request entry of divorce decree shall not be required prior to entry of a divorce decree

(1) under § 3301(c) where the parties have executed and filed with the prothonotary a waiver of notice substantially in the form set forth in Rule 1920.72(c); or

(2) under § 3301(d) where the court finds that no appearance has been entered on defendant's behalf and that defendant cannot be located after diligent search.

Rule 1920.72. Form of Complaint. Affidavit under [Section] § 3301(c) or § 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c)

(a) The complaint in an action of divorce under [Section] § 3301(c) or 3301(d) shall begin with the Notice to Defend and Claim Rights required by Rule 1920.71 and shall be substantially in the following form:

* * * * *

(b) The affidavit of consent required by [Section] § 3301(c) of the Divorce Code and Rule 1920.42(a)(1) shall be substantially in the following form:

(Caption)

AFFIDAVIT OF CONSENT

1. A Complaint in divorce under [Section] § 3301(c) of the Divorce Code was filed on _____ . (Date)

2. The marriage of plaintiff and defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

(PLAINTIFF) (DEFENDANT)

(c) The waiver permitted by Rule 1920.42(e) shall be in substantially the following form:

(Caption)

WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE DECREE UNDER § 3301(c) OF THE DIVORCE CODE

1. I consent to the entry of a final decree of divorce without notice.

2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the prothonotary.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

[Plaintiff/Defendant]
(PLAINTIFF) (DEFENDANT)

(d) The affidavit required by [Section] § 3301(d) of the Divorce Code and Rule 1920.42(a)(2) shall be substantially in the following form:

* * * * *

(e)(1) The counter-affidavit prescribed by Rule 1920.42(d)(2) shall be substantially in the following form in a § 3301(c) divorce:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(c) OF THE DIVORCE CODE

I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that I must file my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____

(PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

(2) The counter-affidavit prescribed by Rule 1920.42 [(c)](d)(2) shall be substantially in the following form in a § 3301(d) divorce:

(Caption)

COUNTER-AFFIDAVIT UNDER [SECTION] § 3301(d) OF THE DIVORCE CODE

* * * * *

2. Check either (a) or (b):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further delay.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____

[Plaintiff/Defendant]
(PLAINTIFF) (DEFENDANT)

NOTICE: If you do not wish to oppose the entry of a divorce decree and you do not wish to make any claim for economic relief, you [need] should not file this counter-affidavit.

Rule 1920.73. Notice of Intention to Request Entry of Divorce Decree. Praecepte to Transmit Record. Forms.

(a)(1) The notice of the intention to request entry of divorce decree prescribed by Rule 1920.42 [(c)](d) shall be substantially in the following form if there is an attorney of record:

(Caption)

NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE

TO: _____

[(Plaintiff/Defendant)]
(PLAINTIFF) (DEFENDANT)

_____ [(Plaintiff/Defendant)]
(PLAINTIFF) (DEFENDANT) intends to file with the court the attached Praecepte to Transmit Record on or after _____, 19__ requesting that a final decree in divorce be entered.

Attorney for [(Plaintiff/Defendant)]
(PLAINTIFF)(DEFENDANT)

(2)(i) The notice of the intention to request entry of a § 3301(c) divorce decree prescribed by Rule 1920.42(d) shall be substantially in the following form if there is no attorney of record:

(Caption)

NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(c) DIVORCE DECREE

TO: _____
(PLAINTIFF)(DEFENDANT)

You have signed a § 3301(c) affidavit consenting to the entry of a divorce decree. Therefore, on or after _____, 19__, the other party can request the court to enter a final decree in divorce.

Unless you have already filed with the court a written claim for economic relief, you must do so by the date in the paragraph above, or the court may grant the divorce and you will lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

(Name)

(Address)

(Telephone)

Note: The above lines are to be completed with the name, address and telephone number of the officer, organization, agency or person designated by the court in accordance with Rule 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least twenty days after the date on which the notice was mailed or delivered.

(ii) The notice of the intention to request entry of § 3301(d) divorce decree prescribed by Rule 1920.42 [(c)](d) shall be substantially in the following form if there is no attorney of record:

(Caption)

NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(d) DIVORCE DECREE

TO: _____

(Plaintiff/Defendant)
(PLAINTIFF) (DEFENDANT)

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the [plaintiff's] § 3301(d) affidavit. Therefore, on or after _____, 19__, the [plaintiff] other party can request the court to enter a final decree in divorce.

If you do not file with the prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a

final decree in divorce. **A counter-affidavit which you may file with the prothonotary of the court is attached to this notice.**

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date or the court may grant the divorce and you will lose forever the right to ask for economic relief. **[A COUNTER AFFIDAVIT WHICH YOU MAY FILE WITH THE PROTHONOTARY OF THE COURT IS ATTACHED TO THIS NOTICE.]** The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAW AYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

(Name)

(Address)

(Telephone)

Note: The above lines are to be completed with the name, address and telephone number of the officer, organization, agency or person designated by the court in accordance with Rule 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least twenty days after the date on which the notice was mailed **or delivered.**

(b) The praecipe to transmit the record prescribed by Rule 1920.42 shall be in substantially the following form:

(Caption)

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree:

1. Ground for divorce: irretrievable breakdown under **[Section] § 3301(c) (3301(d)(1))** of the Divorce Code. (Strike out in applicable section).

2. Date and manner of service of the complaint: _____

3. (Complete either paragraph (a) or (b).)

(a) Date of execution of the affidavit of consent required by **[Section] § 3301(c)** of the Divorce Code: by plaintiff _____; by defendant _____.

(b)(1) Date of execution of the **[plaintiff's]** affidavit required by **[Section] § 3301(d)** of the Divorce Code: _____;

(2) **[date] Date of filing and** service of the plaintiff's affidavit upon the **[defendant] respondent:** _____.

4. Related claims pending: _____.

5. **[Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached, if the decree is to be entered under Section 3301(d)(1)(i) of the Divorce Code.]**

(Complete either (a) or (b).)

(a) **Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached:** _____.

(b) **Date plaintiff's Waiver of Notice in § 3301(c) Divorce was filed with the prothonotary:** _____

Date defendant's Waiver of Notice in § 3301(c) Divorce was filed with the prothonotary: _____

Attorney for **(PLAINTIFF) (DEFENDANT)**
[(Plaintiff)/(Defendant)]

[Pa.B. Doc. No. 97-633. Filed for public inspection April 25, 1997, 9:00 a.m.]

**PART I. GENERAL
[231 PA. CODE CH. 3000]**

Technical Amendment of Rule 3201 et seq. Relating to Judgments; No. 278; Doc. No. 5

Order

Per Curiam:

And Now, this 8th day of April, 1997, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rules 3215, 3231(33) and (35), 3234, 3241(80) and 3246 are rescinded.

2. Rules 3201, 3202, 3205, 3206, 3207, 3208, and 3213 are amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 1997.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS

SHERIFF'S INTERPLEADER

Rule 3201. Scope.

These rules govern the procedure in sheriff's interpleader **[under the Act of June 22, 1931, P. L. 883, 12 P. S. § 2358, et seq.,]** when tangible personal property levied upon pursuant to a writ of execution is claimed to be the property of a person other than the defendant in the execution.

* * * * *

Rule 3202. Property claim

(a) ***

(b) The claim shall be signed by the claimant or some one on **[his] the claimant's** behalf, and shall set forth

- (1) a list of the property claimed sufficient to identify it;
- (2) an estimate of the value of the property;
- (3) a statement of the source of the claimant's ownership of the property.

Rule 3205. Appraisal of property; appraisal fees.

* * * * *

(b) A party requesting an appraisal shall advance the sheriff's appraisal fee. The sheriff shall then appraise the property and immediately give notice of the amount of [his] the appraisal by ordinary mail to all parties to whom the sheriff's notice was mailed. The sheriff or any party in interest may apply to the court for an order fixing a special appraisal fee where the appraisal of a large quantity of property or the services of experts shall be required.

Official Note: The Sheriff's Fee [Bills remain] Act remains unaffected by these rules. See [Act of May 9, 1949, P. L. 927, as last amended June 14, 1961, P. L. 350, 16 P. S. § 11301, et seq.; Act of June 1, 1933, P. L. 1141, 16 P. S. § 7861 et seq.] Act of July 6, 1984, P. L. 614, No. 127, 42 P. S. § 21101 et seq.

Rule 3206. Sheriff's determination in favor of claimant; objections; amount of bond; delivery of property; interpleader.

(a) If the sheriff determines that the claimant is prima facie the owner of the property in whole or in part, [he] the sheriff shall file in the prothonotary's office the claim, [his] the determination of ownership including the valuation of the property, and shall send by ordinary mail copies of the determination and valuation to the claimant, the plaintiff, the defendant, and all other execution creditors and claimants of the property.

* * * * *

(d) Upon abandonment of the levy, the sheriff shall return the claimed property to the person from whom it was taken. If the claimed property was found in the possession of a person other than the claimant, the sheriff shall, before returning it, give forty-eight [(48)] hours notice to the claimant of the abandonment of the levy and [his] the intention to return the property to a person other than the claimant.

* * * * *

Rule 3207. Sheriff's determination against claimant; objection; amount of bond; delivery of property; interpleader .

(a) If the sheriff determines that the claimant is prima facie not the owner of the property in whole or in part, [he] the sheriff shall file in the prothonotary's office the claim, [his] the determination of ownership including the valuation of the property, and shall send by ordinary mail copies of the determination and valuation to the claimant, the plaintiff, the defendant, and all other execution creditors and claimants of the property.

* * * * *

(d) If the claimant files [his] an objection with bond in a sum double the valuation of the property as deter-

mined by the sheriff or double the amount due under all writs of execution against the defendant on which the sheriff has levied, whichever is smaller, the sheriff unless otherwise ordered by the court shall withdraw all levies on the claimed property. Upon payment by the claimant of the sheriff's costs, if any, for keeping and transporting the property, the sheriff shall deliver it to the person from whom it was taken, provided that, if the property was taken from a person other than the claimant and the claimant desires possession thereof, the sheriff shall deliver it to the claimant if [he] the claimant elects to file a bond in double the valuation of the property.

Official Note: As to possession in the case of two or more claimants, see Rule 3210.

(e) If the claimant files [his] an objection without bond the property shall remain subject to the levy and shall be sold in execution, unless otherwise ordered by the court. The proceeds shall be retained by the sheriff or paid into court until the determination of the interpleader.

* * * * *

Rule 3208. Bond; more than one execution.

(a) The bond shall name the Commonwealth of Pennsylvania as obligee, with security approved by the prothonotary, and shall be conditioned that claimant shall maintain [his] the claim to the property or pay its value to the persons entitled thereto with costs.

(b) The claimant may file [his own] a bond without security and without order of court as to household goods and furnishings levied on by the sheriff in the household of the claimant. The court may, upon petition of the claimant and after notice and hearing, permit the filing of the claimant's own bond without security as to any other property levied on by the sheriff.

(c) [If the] A claimant who files a bond in double the valuation of the property [he] shall not be required during the pendency of the interpleader proceedings to file another bond in any subsequent execution against the same property but the subsequent execution creditor shall be made a party to the pending interpleader proceedings.

Rule 3213. Judgment.

The judgment in the interpleader proceedings shall

(1) determine the title to the claimed property as among the parties to the interpleader,

(2) provide for the disposition of the proceeds of sale thereof,

(3) fix the amount of

(i) special damages sustained by the claimant if [he] the claimant has sustained [his] the claim or [the amount of]

(ii) any liability of the claimant [if] to whom property has been delivered [to him] as to which [he] the claimant has not sustained [his] the claim and [shall]

(4) include such counsel fees as may be awarded by the court as part of the costs.

[Official Note: Sections 13 and 14 of the Sheriff's Interpleader Act of June 22, 1931, P. L. 883, 12 P. S. §§ 2370, 2371, remain unsuspending insofar as they relate to costs including the allowance of counsel fees.

Section 16 of the Sheriff's Interpleader Act of June 22, 1931, P. L. 883, 12 P. S. § 2373, providing that the rights of lienholders shall not be affected remains unsuspending.]

Rule 3215. Effective date; pending actions. Rescinded.

ACTS OF ASSEMBLY NOT SUSPENDED

Rule 3231. Acts of Assembly not suspended.

* * * * *

(33) Rescinded.

Official Note: The statute formerly preserved by Rule 3231(33) has been repealed.

* * * * *

(35) Rescinded.

Official Note: The statute formerly preserved by Rule 3231(35) has been repealed.

* * * * *

Rule 3234. Sheriff's interpleader proceedings. Rescinded.

Official Note: The statutes formerly preserved by this rule have been repealed.

Rule 3241. Acts of Assembly suspended.

* * * * *

(80) Rescinded.

Official Note: The statute formerly suspended by Rule 3241(80) has been repealed.

* * * * *

Rule 3246. Sheriff's interpleader proceedings. Rescinded.

Official Note: The statutes formerly suspended by this rule have been repealed.

Explanatory Comment

The Act of June 22, 1931, P. L. 883, 12 P. S. § 2358 et seq., when enacted, formed the basis for both the substantive and procedural law governing sheriff's interpleader. The rules of civil procedure governing the same subject promulgated in 1965 suspended the procedural provisions of the statute but preserved certain other provisions. However, in 1978 Section 2(a) of the Judiciary Act Repealer Act (JARA), 42 P. S. § 20002(a) [1124], repealed the Act of 1931 in its entirety.

As a result of the repeal of the Act of 1931, the Supreme Court of Pennsylvania has promulgated the following amendments to the rules governing Sheriff's Interpleader but these amendments do not affect practice and procedure:

1. Rule 3201 and the note to Rule 3205(b) are amended to delete references to the repealed Act of 1931 or other repealed statutes.

2. Rules 3202(b), 3205(b), 3206(a) and (d), 3207(a), (d) and (e), 3208 and 3213 are amended to be gender neutral.

3. Rule 3215 governing the effective date of the rules when originally promulgated in 1966 is rescinded as obsolete.

4. Rules 3231(33) and (35), 3234, 3241(80) and 3246 governing Acts of Assembly are rescinded as obsolete. The statutes preserved and suspended by these rules have been repealed.

By the Civil Procedural Rules Committee

EDWIN L. KLETT
Chairperson

[Pa.B. Doc. No. 97-634. Filed for public inspection April 25, 1997, 9:00 a.m.]

Title 25—LOCAL COURT RULES

UNION AND SNYDER COUNTIES

Judicial Administration; Arbitration; No. 97 375

Order

And Now, this 8th day of April, 1997, it is ordered that:

1. The Arbitration Rules section of the Rules of Civil Procedure of the Seventeenth Judicial District, are amended in the form as follows, effective thirty (30) days after the publication of the rules in the *Pennsylvania Bulletin*.

2. The Court Administrator is directed to file seven (7) certified copies of this order and new rules with the Administrative Office of Pennsylvania Courts, two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy with the Civil Procedural Rules Committee, one original with the Prothonotary of Union County, one original with the Prothonotary of Snyder County, and to mail one (1) certified copy to each member of the Union County Bar Association.

3. The Assistant Court Administrator is directed to mail one (1) certified copy to each member of the Snyder County Bar Association.

By the Court

WAYNE A. BROMFIELD,
President Judge

ARBITRATION

17LR1301.1 Cases for Submission.

A. Compulsory arbitration of matters as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S. Section 101, *et seq.* shall apply to all cases at issue where the amount in controversy shall be twenty-five thousand dollars (\$25,000.00) or less.

The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party.

In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from the jurisdiction of the board of arbitrators.

B. A civil action will be referred to arbitration 20 days after the filing with the prothonotary and the court administrator of a praecipe signed by either party or its counsel indicating the matter is ready for arbitration. If the other party objects to the filing, that party shall, within the 20 days, file a motion requesting delay in the appointment of arbitrators pending completion of the pre-trial discovery and filings. The objection shall specifically indicate the matters that must be preliminarily resolved and shall propose a timetable for their completion.

C. Cases subject to arbitration shall be subject to the status and calendar orders then prevailing with regard to the civil docket. Such cases shall not be scheduled for a pre-trial conference if the status as an arbitration case can readily be determined from examination of the docket entries. If the discovery deadline has expired at the time of the pretrial conference for contemporaneously filed cases, the matter shall be scheduled by the court administrator for disposition by arbitration.

17LR1301.2 Agreement of Reference.

Matters not in litigation may be referred to a board of arbitrators by an agreement of reference, signed by counsel for all sides in the case. Such agreement shall be filed with the prothonotary, who will forward a copy to the court administrator. Said agreement shall define the issue involved for determination by the board and, when agreeable, shall also contain stipulations with respect to facts. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

17LR1302 List of Arbitrators.

A. Upon receipt of a praecipe, the court administrator shall nominate, from the list of attorneys, a board of potential arbitrators. The nominations shall be made in a rotational fashion from the members of the bar eligible for assignment, except where an attorney is excused by reason of incapacity, illness, or other disqualification. The court administrator shall further be responsible for apportioning assignments between members with more than five years' experience and those under five years. No more than one member of a family, firm, professional corporation, or association shall be nominated to serve on one potential board.

B. The court administrator shall nominate to the potential board 3 attorneys plus 1 additional attorney for each party of record. The list of attorneys nominated to the potential board shall be sent by the court administrator to each party or his or her attorney within 7 days of the receipt of the praecipe. Each party in the case or counsel for each party may strike off up to 1 attorney so named and return the list to the court administrator. If any or all parties strike the same name or fail to exercise their right to strike off any names from the potential board, the first 3 remaining names will make up the board of arbitration. In the event the court administrator cannot compile a list of sufficient names from the county in which the case arose, because of incapacity, illness or other disqualification, other attorneys whose practice is within the judicial district, regardless of county, may be included.

C. As soon as the court administrator receives the returned list from the parties (or after 7 days if any list is

not returned) each arbitrator shall be notified of his or her selection. A final board shall be sent to the attorneys of the parties.

17LR1303 Scheduling of Hearings.

A. Upon receipt of a praecipe, pursuant to 17LR1301, the court administrator shall schedule the case to be arbitrated for a one-half day hearing, no sooner than 45 days from the date of the praecipe, to commence either at 9:00 a.m. or 1:00 p.m.

B. The hearing shall be held in the separate court-houses in either Union County or Snyder County in either the Hearing Room or the Jury Room designated for that purpose. The chair may, if appropriate, schedule the arbitration hearing at such other location as would be more convenient to the parties, witnesses, counsel or arbitrators, on the same date as would otherwise apply.

C. After having been identified as a member of an arbitration panel under the methods set forth previously in Section 17LR1302.1, and after having been scheduled to serve on an arbitration panel on a date certain, pursuant to (A) above, should an arbitrator be unable to serve due to a conflict of interest, conflict in scheduling, or other such reason, that arbitrator shall inform the court administrator, who shall appoint a successor arbitrator.

17LR1304.1 Conduct of Hearings.

The conduct of all hearings, generally and with respect to the admissibility of evidence, shall be as set forth in Pa.R.C.P. Nos. 1304, 1305, and 1038(a). Arbitrators shall exercise reasonable restraint in questioning of witnesses. Witness fees shall be taxed as costs, as in other actions.

17LR1304.2 Continuances.

Continuances shall be granted only by court order for good cause shown on notice sent by the court administrator to the parties and the court. Requests for continuances shall be submitted in writing in the form of a motion. A motion for continuance should be filed not later than 3 days prior to the scheduled date for the arbitration hearing.

If a party fails to appear at a scheduled arbitration hearing, the arbitrators shall proceed as set forth in Pa.R.C.P. 1303 and 1304.

17LR1306 Awards.

A. After the case has been heard, the arbitrators shall make their report/award, which shall be signed by at least a majority of them. An award must be submitted within 10 days after the day of the hearing or the last adjournment thereof.

B. The award shall be filed with the prothonotary.

C. The prothonotary shall enter the award of the arbitrators in the docket and shall index the same in the judgment index. If an appeal is taken, the prothonotary shall notify the court administrator, who shall place it on the next pre-trial list.

D. Upon the award being indexed, the prothonotary shall give immediate written notice of the award to all the parties, or their attorneys, by regular mail and a copy to the court administrator.

17LR1308.1 Compensation for Arbitrators.

A. The chair of the board of arbitrators shall receive compensation in the amount of \$150.00 per case; the other members of the board shall receive compensation in the amount of \$100.00 per case.

B. Each arbitrator shall be entitled to receive an additional compensation at the rate of \$25.00 per hour in any case in which the actual time spent in the hearing exceeds 3 1/2 hours.

C. Upon the filing of the board's report or award, the prothonotary shall certify to the county controller that the report and award, if any, has been filed, together with the names of the members of the board serving in the case. The county shall then pay the aforesaid fee to each member of the board serving on the case in accordance with Subsection A of this rule.

D. In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at any time prior to the date scheduled for hearing, the board members shall not be entitled to the aforesaid fee. If the case is settled, withdrawn, or otherwise terminated by or between the parties, on the date scheduled for hearing but prior to the scheduled starting time, the panel members shall be entitled to one-half of the base fee as set forth in Subsection A of this rule. In the event the case is continued after the arbitrators have convened, either before or after testimony has begun, the time required of the arbitrators during the first scheduled hearing shall be aggregated with the time required during the second hearing. To the extent that such aggregated time is less than 3 1/2 hours, the fee set forth in Paragraph A shall be applicable. To the extent that such aggregated time exceeds 3 1/2 hours, the hourly rate set forth in Paragraph B shall be due for the hours in excess of 3 1/2.

The prothonotary shall not mark or certify a case settled or discontinued until the attorney for the plaintiff has presented his or her praecipe in proper form.

17LR1308.2 Appeals.

A. Any party to the proceeding may appeal from the decision or award of the arbitrators to the Court of Common Pleas, upon prepayment to the county of the fees of the members of the board. Said appeal shall be taken not later than 30 days after the date of the entry of the award of the arbitrators on the docket. Repayment to the county of the fees of the members of the board shall not be taxed as costs or be recoverable in any proceeding. A de novo appeal shall be allowed as a matter of course upon the filing of the affidavit of appeal and recognizance, and upon the aforesaid repayment of the arbitrators' fees.

B. The prothonotary shall notify the court administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled by the court administrator for pre-trial conference and trial at the earliest practical date.

C. If no appeal is filed within 30 days, judgment shall be taken on the award.

17LR1314 Law Controlling Arbitration.

All cases heard under these rules shall be governed in all other respects by the laws of the Commonwealth of Pennsylvania, enacted regarding arbitration proceedings.

[Pa.B. Doc. No. 97-635. Filed for public inspection April 25, 1997, 9:00 a.m.]

COMMONWEALTH COURT

Notice to the Bar

Effective immediately, the operating hours of the Philadelphia Filing Office of the Commonwealth Court of

Pennsylvania will be Monday through Friday, 9 a.m. to 12 noon and 12:30 p.m. to 4 p.m.

G. RONALD DARLINGTON,
Executive Administrator
Commonwealth Court of Pennsylvania

[Pa.B. Doc. No. 97-636. Filed for public inspection April 25, 1997, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Collection Fee and Late Payment Penalty for 1997-1998 Registration Year

Notice is hereby given of the establishment by The Disciplinary Board of the Supreme Court of Pennsylvania for the 1997-1998 registration year of the collection fee for checks in payment of the annual registration fee for attorneys that are dishonored and the late payment penalty for registrations not received on time.

Pennsylvania Rule of Disciplinary Enforcement 219(d)(2) provides that, where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, a collection fee established annually by the Board must be paid before the annual registration fee shall be deemed to have been paid. The Board has established the collection fee for the 1997-1998 registration year as \$50.00 per returned item.

Pa.R.D.E. 219(h)(2) provides that a late payment penalty established annually by the Board must be paid by an attorney who fails to timely file an annual registration statement before the attorney shall be considered on active status for the new registration year. The Board has established the late payment penalty for the 1997-1998 registration year as \$50.00.

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

[Pa.B. Doc. No. 97-637. Filed for public inspection April 25, 1997, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Ina P. Schiff having been suspended from the practice of law in the State of Rhode Island for a period of eighteen months by Order of the Supreme Court of Rhode Island dated June 7, 1996, the Supreme Court of Pennsylvania issued an Order dated April 11, 1997, suspending Ina P. Schiff from the practice of law in this Commonwealth for a period of eighteen months.

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

[Pa.B. Doc. No. 97-638. Filed for public inspection April 25, 1997, 9:00 a.m.]