

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 211]

#### Judicial Salaries

#### Annex A

### TITLE 204. JUDICIAL SYSTEM PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

##### CHAPTER 211. CONSUMER PRICE INDEX

The Court Administrator of Pennsylvania has computed the annual judicial salaries effective January 1, 2007 for publication in the *Pennsylvania Bulletin*.

The Act of November 16, 2005, P. L. 385, No. 72 ("Act 72") has presumptively repealed Section 1810 of the Act of July 7, 2005, P. L. 201, No. 44 ("Act 44") relating to the judicial COLA and reenacted Section 2.1(i) of the Public Official Compensation Law, Act of September 30, 1983, P. L. 160, No. 39, added by the Act of October 19, 1995, P. L. 324, No. 51 ("Act 51"), 65 P. S. § 366.1, et seq.

In *Stilp v. Commonwealth*, 588 Pa. 539, 905 A.2d 918 (2006), the Supreme Court of Pennsylvania enjoined Act 72 insofar as it repealed Sections 1801-09 of Act 44. However, the Supreme Court declined to address the constitutional argument concerning the adjustment provisions of Act 44's formula for future judicial compensation as set forth in Section 1810.<sup>1</sup>

The Court Administrator of Pennsylvania has determined that the judicial COLA provided for in Section 2.1(i) of Act 51 and the judicial COLA provided for in Section 1810 of Act 44 are identical for calendar year 2007.

The Court Administrator of Pennsylvania reports that the percentage increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U), for the 12-month period ending October 2006, was 2.0 percent. (See U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, October 2006, published Thursday, November 16, 2006).

The Court Administrator of Pennsylvania hereby reports that the following judicial salaries are effective January 1, 2007.

#### § 211.2. Judicial salaries effective January 1, 2007.

##### (a) *Supreme Court.*

(1) The annual salary of a justice of the Supreme Court shall be \$175,236.

(2) The annual salary of the Chief Justice of the Supreme Court shall be \$180,336.

##### (b) *Superior Court.*

(1) The annual salary of a judge of the Superior Court shall be \$165,342.

(2) The annual salary of the President Judge of the Superior Court shall be \$170,442.

##### (c) *Commonwealth Court.*

(1) The annual salary of a judge of the Commonwealth Court shall be \$165,342.

(2) The annual salary of the President Judge of the Commonwealth Court shall be \$170,442.

##### (d) *Courts of common pleas.*

(1) The annual salary of a judge of the court of common pleas shall be \$152,115.

(2) The annual salary of the President Judges of the Court of Common Pleas shall be in accordance with the following schedule:

(i) Allegheny County, \$154,665.

(ii) Philadelphia County, \$155,175.

(iii) Judicial districts having six or more judges, \$153,441.

(iv) Judicial districts having one to five judges, \$152,778.

(v) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$153,441.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$152,778.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$153,441.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$152,778.

##### (e) *Philadelphia Municipal Court.*

(1) The annual salary of a judge of the Philadelphia Municipal Court shall be \$148,596.

(2) The annual salary of the President Judge of the Philadelphia Municipal Court shall be \$150,891.

##### (f) *Philadelphia Traffic Court.*

(1) The annual salary of a judge of the Philadelphia Traffic Court shall be \$79,934.

(2) The annual salary of the President Judge of the Philadelphia Traffic Court shall be \$80,597.

(g) *Magisterial district judge.* The annual salary of a magisterial district judge shall be \$76,058.

##### (h) *Senior judges.*

(1) The compensation payable to a senior judge of a court of common pleas, a senior Commonwealth Court judge, a senior Superior Court judge and a senior Supreme Court justice, assigned pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) and a senior Philadelphia Municipal Court judge assigned pursuant to 42 Pa.C.S. § 4124 (relating to assignment of senior Philadelphia Municipal Court judges) shall be \$466 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not, when added to retirement income

<sup>1</sup> "We make no determination because the issue is not properly before us, the parties were not asked to brief it, and it is speculative whether such an issue will ripen." 905 A.2d at 981.

paid by the Commonwealth, for the senior judge, exceed the annual salary payable by the Commonwealth to a judge then in regular active service on the court from which the senior judge retired.

(2) In any calendar year, the amount of compensation which a senior judge assigned to serve on a court referred to in 42 Pa.C.S. § 1806 (relating to Philadelphia Municipal Court), 42 Pa.C.S. § 1807 (relating to Philadelphia Traffic Court) or 42 Pa.C.S. § 1808 (relating to magisterial district judges) shall be permitted to earn as a senior judge shall not, when added to retirement income paid by the Commonwealth to that senior judge, exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which that senior judge retired.

(3) A senior judge who so elects may serve without being paid all or any portion of the compensation permitted.

[Pa.B. Doc. No. 06-2546. Filed for public inspection December 29, 2006, 9:00 a.m.]

# Title 207—JUDICIAL CONDUCT

## PART IV. COURT OF JUDICIAL DISCIPLINE

### [207 PA. CODE CHS. 1 AND 3]

#### Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

#### Order

*Per Curiam*

And Now, this 13th day of December, 2006, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having proposed amendments to Rules of Procedure Nos. 110 and 302, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in the *Pennsylvania Bulletin*.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

## PART IV. COURT OF JUDICIAL DISCIPLINE

### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

##### IN GENERAL

#### Rule 110. Entry of Appearance.

\* \* \* \* \*

(B) The entry of appearance shall include counsel's name, address, phone number, and Pennsylvania Supreme Court Identification Number. Admission Pro Hoc Vice shall be in accordance with the Pennsylvania Bar Admission Rules.

[ *Official Note:* Counsel should file an entry of appearance within 15 days of service of the Board Complaint or a Preliminary Conference Judge will be appointed in accordance with Rule 301(B). ]

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## ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

### CHAPTER 3. INITIATION OF FORMAL CHARGES

#### Rule 302. Contents of Board Complaint.

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[ (B) The Board Complaint shall contain a notice to the Judicial Officer advising the Judicial Officer to engage an attorney to represent him or her before the Court in connection with the charges set out in the Board Complaint and directing that the attorney shall file an entry of appearance within 15 days of the service of the Board Complaint. The notice shall be substantially in the following form:

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within 15 days of the service of this Complaint in accordance with C.J.D.R.P. No. 302(B).

(C) If an entry of appearance is not filed within the time specified in paragraph (B), the Clerk shall immediately notify the President Judge.

(D) Within five (5) days of notification by the Clerk as in paragraph (C), the President Judge shall appoint a member of the Court to serve as Preliminary Conference Judge. The Preliminary Conference Judge shall then proceed in accordance with C.J.D.R.P. No. 301(C). ]

[ (E) ] (B) \* \* \*

[ (F) ] (C) \* \* \*

[Pa.B. Doc. No. 06-2547. Filed for public inspection December 29, 2006, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

### [231 PA. CODE CH. 400]

#### Amendment of Rule 400.1 Governing Service of Original Process to Include the Fifth Judicial District (Allegheny County); Proposed Recommendation No. 220

The Civil Procedural Rules Committee is proposing that Rule of Civil Procedure 400.1 governing service of original process in the First Judicial District be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than February 16, 2007 to:

Harold K. Don, Jr.  
Counsel  
Civil Procedural Rules Committee  
Supreme Court of Pennsylvania  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

### CHAPTER 400. SERVICE OF ORIGINAL PROCESS

#### SERVICE GENERALLY

Rule 400.1. Provisions for [ **All Courts of** ] the First **and Fifth** Judicial [ **District** ] **Districts**.

(a) In an action commenced in the First **or Fifth** Judicial District, original process may be served

(1) within the county by the sheriff or a competent adult, or

(2) in any other county by deputized service as provided by Rule 400(d) or by a competent adult forwarding the process to the sheriff of the county where service may be made.

**Official Note:** See Rule 76 for the definition of “competent adult.”

The First **and Fifth** Judicial [ **District is** ] **Districts** are comprised of Philadelphia **and Allegheny Counties, respectively**.

(b) In an action commenced in any other county, original process may be served in Philadelphia **or Allegheny** County by deputized service as provided by Rule 400(d) or by a competent adult.

\* \* \* \* \*

#### Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rule 400.1 governing service of original process following a request by the President Judge of the Fifth Judicial District (Allegheny County) “to allow actions commenced in the Fifth Judicial District to be served within the county by a competent adult and in any other county by a competent adult forwarding the process to the sheriff of the county where service may be made.” The amendment was requested in light of the inability of the Sheriff’s Office to provide security in the Civil Division and Administrative Offices of the judicial district due to “budgetary constraints and understaffed work force.”

Attorneys would have the option to have original process served by the sheriff under the amended rule.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 06-2548. Filed for public inspection December 29, 2006, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Rules of the Court of Common Pleas; No. 2 of 2006 Rules Doc.

#### Amended Order of Court

*And Now*, this 29th day of November, 2006, my Order of Court dated October 17, 2006, is amended to read in its entirety as follows:

By vote of the Board of Judges on October 4, 2006, it is hereby *Ordered* and *Decreed* that all Civil Court Rules, Rules 1915.15(a)(1) and 1915.16(c) only of the Family Court Rules, and all Magisterial District Judge Rules are rescinded, and the Civil and Family Court Rules and Magisterial District Judge Rules attached to my October 17, 2006 Order of Court are adopted.

This Order is promulgated in accordance with Pa.R.C.P. No. 239 and shall become effective December 4, 2006, which is thirty (30) days after publication of the adopted rules in the *Pennsylvania Bulletin*. This Order shall be filed with the Prothonotary of Allegheny County in the Rules Docket, and copies submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil and Family Court Procedural Rules Committees.

*By the Court*

JOSEPH M. JAMES,  
*President Judge*

[Pa.B. Doc. No. 06-2549. Filed for public inspection December 30, 2006, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### NORTHAMPTON COUNTY

#### Administrative Order 2006-15—Fee Schedule, Civil/ Prothonotary; C-48-CV-2006-10178

#### Order of Court

*And Now*, this 13th day of December, 2006, *It Is Hereby Ordered* that the current schedule of fees charged by the Clerk of Courts—Civil Division/Prothonotary shall continue until December 31, 2006. The attached schedule of fees for the Clerk of Courts—Civil Division/Prothonotary shall take effect January 1, 2007.

A copy of this administrative order and the schedule of fees shall be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,  
President Judge

**NORTHAMPTON  
COUNTY—CIVIL/PROTHONOTARY FEE  
SCHEDULE AS OF JANUARY 1, 2007**

	<b>FEES</b>
<b>ACKNOWLEDGMENT OF DEEDS</b>	\$9.25
<b>AFFIDAVITS—RETAKE PRIOR NAME</b>	\$9.25
<b>APPEALS:</b>	
APPEAL—BOARD OF VIEW	\$15.25
APPEAL—HIGHER COURT (Plus \$60.00* (includes JCP Fee) payable to the higher court)	\$57.25
APPEAL—DISTRICT JUSTICE	\$121.75
APPEAL—LICENSE SUSPENSION	\$127.50
<b>ARBITRATION PRAECIPE</b>	\$28.75
Appeal from Arbitration-Arbitrators compensation upon appeal \$375.00 plus any additional compensation that may have been authorized, but total not exceed 50% of the amount of covers. THIS SHALL NOT BE TAXABLE AS COSTS No appeal fee, bond or accrued costs required.	
<b>ASSIGNMENTS</b>	\$9.25
<b>BUILDING AGREEMENTS</b> (Waiver of Liens, Stipulation, etc.)	\$19.00
<b>CERTIFICATIONS:</b>	
Certifying copy of any paper	\$5.75
Additional pages, each	\$1.25
Certification of Notary or District Justice	\$3.50
Exemplification of records including judgments	\$19.00
Certification of Satisfaction/ Discontinuance	\$5.75
<b>COMMENCEMENT OF ACTIONS:</b>	
Commencement of actions at Law or Equity	\$122.00
Custody or Visitation	\$128.50
Divorce—No additional counts	\$132.00
Plus below extra counts in complaint:	
Alimony	\$38.75
Alimony pendente lite, counsel fees and costs	\$38.75
Domestic Relations APL	\$30.75
Custody	\$45.25
Support	\$38.75
Equitable Distribution	\$38.75
Other, each	\$38.75
District Justice Appeals	\$121.75
Protection from Abuse (plus \$25.00 Pa State Police Surcharge and additional Sheriff Service Fees)	\$132.00
Open or Strike Judgment	\$95.00
Proceedings on any lien other than revival	\$95.00

**FEES****COURT MINUTES:**

Letters Rogatory (Additional \$3.50 per subpoena)	\$38.75
Award of Ownership	\$122.00
Declaration of Taking	\$122.00
Eminent Domain Proceedings	\$122.00
Petition for Appointment of Board of View—per property	\$122.00
Appeal from Board of View	\$21.25
Petition for Name Change	\$83.25
Appointment of Special Policeman	\$34.75
Financial Statements	\$15.25
Power of Attorney	\$25.00

**DIVORCE DEPOSITS:**

Regular Deposit	\$250.00
Special Deposit	\$750.00
Praecipe to Transmit Record (Plus Additional fees for Docket Entries, Certification of Docket Entries and A Divorce Decree)	\$25.00
Divorce Decree	\$9.25
Foreign Divorce	\$25.00

**DOCKET ENTRIES**

(Requesting by mail—initial page <b>\$1.00</b> plus <b>\$0.30</b> per additional page)	\$0.30
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**EXECUTIONS & ATTACHMENTS**

Writ of Execution	\$28.75
Writ of Execution with attachment (Plus add <b>\$60.00</b> for each garnishee)	\$29.25
Political Subdivision	\$12.00
Political Subdivision with attachment (Plus add <b>\$60.00</b> for each garnishee)	\$12.50

**JUDGMENTS**

All judgments of decrees which are final	\$17.25
Bail Bonds	\$33.25
Complaint and Confession	\$43.25
Confessions (notes, bonds, etc.)	\$38.25
District Justice Transcripts	\$33.00
Domestic Relations (Arrearages)	\$33.25
Default, Non Pros, Verdict Award, etc.	\$17.25
Court Order, Agreement, Stipulation, etc.	\$17.25
Transferred judgments (from other counties)	\$33.25
Political Subdivision (New Filing)	\$24.50
Political Subdivision (other)	\$12.00
Release of Judgment	\$9.25
Subordinations, withdrawals, postponements	\$9.25
Revival (amicable)	\$17.25
Writ of Revival (adverse)	\$28.75
Political Subdivision	\$12.00

**LIENS**

Municipal	\$24.50
Mechanics Lien—without complaint (Complaint filed at later date)	\$33.25
Mechanics Lien—with complaint	\$95.00
Political Subdivision	\$128.25
Federal and Commonwealth of PA	\$24.50
Suggestions of Non-Payment	\$18.00
IRS refilings	\$12.00



	<i><b>FEES</b></i>
Housing Rehab Assistance Lien	\$24.50
District Justice Transcript—Political Subdivision	\$24.50
<b>NOTARY SIGNATURE REGISTRATION PHOTOCOPIES</b>	<b>\$3.50</b>
If made by prothonotary's office—each page	\$1.25
If made by person on public copies—each page	\$ .25
<b>REVIVALS</b>	
Amicable	\$17.25
Adverse (Writ of Revival)	\$28.75
<b>REISSUANCE OF WRIT AND REINSTATEMENT OF COMPLAINT</b>	<b>\$6.00</b>
<b>SATISFACTIONS</b>	
Entering satisfactions, releases, postponements, assignments, subordinations, of all encumbrances or liens by Power of Attorney of otherwise: or settlements, discontinuances, ending or termination of any civil action at law or equity	\$9.25
Certificate of Satisfaction	\$5.75
<b>SUBPOENAS</b>	
Attend and Testify	\$3.50
Produce Documents or things for Discovery	\$3.50
<b>TRANSFERS</b>	
To transfer case to another county	\$19.00
To transfer judgment to another county	\$19.00

Fees for services not herein specifically provided or included in any other service shall be the same as for similar services.

Payments must be made in cash, business checks, money orders, traveler's checks or certified checks made payable to Prothonotary of Northampton County or Northampton County Clerk of Court—Civil. A fee of \$30.00 will be charged for all returned checks.

[Pa.B. Doc. No. 06-2550. Filed for public inspection December 29, 2006, 9:00 a.m.]

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**NORTHAMPTON COUNTY**

**Administrative Order 2006-16—Fee Schedule Criminal Division; AD-379-2006**

**Amended Administrative Order 2006-16**

*And Now*, this 12th day of December, 2006, on application of Patricia A. Pulley, Clerk of Courts—Criminal Division, the Court of Common Pleas of Northampton County hereby approves the following schedule effective January 1, 2007.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

**Northampton County Criminal Division  
Fee Schedule 2007**

*Clerk Fees*

Appeal (LCB)	\$ 25.00
Appeal (Summary Conviction)	\$ 45.00
Appeal (Superior Court)	\$ 50.00
Bench Warrant (Clerk Fees)	\$ 5.00
Certification	\$ 9.00
Charges (Before Trial)	\$ 135.00
Charges (Trial)	\$ 180.00
Charges (ARD/DUI)	\$ 120.00
Criminal Record Search	\$ 10.00
Detective License Fee (Corporate)	\$ 345.00
Detective License Fee (Individual)	\$ 230.00
Postage (Each Case)	\$ 2.00
Poundage/Bail Fee:	
10% Bail	20.0%
Cash Bail (First Thousand)	4.5%
Every Thousand After	1.5%
Misc. (Expungement, Roads, etc.)	\$ 15.00
Subpoenas	\$ 2.00
	(Each)
Summary (Each Charge)	\$ 20.00
Xerox Copies	\$ .50
	(Page)
Automation Fee (Each Case)	\$ 5.00

[Pa.B. Doc. No. 06-2551. Filed for public inspection December 30, 2006, 9:00 a.m.]

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**WESTMORELAND COUNTY**

**Adopting Rule WJUV 1167; Miscellaneous 7 of 2006**

**Order**

*And Now*, this 13th day of December, 2006, *It Is Hereby Ordered* that Westmoreland County Rule of Juvenile Procedure WJUV 1167 is adopted effective on February 1, 2007.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

**Rule WJUV 1167**

The Court of Common Pleas of Westmoreland County shall serve all court notices and documents through either the Westmoreland County Children's Bureau or the Westmoreland County Juvenile Probation Office.

[Pa.B. Doc. No. 06-2552. Filed for public inspection December 30, 2006, 9:00 a.m.]

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**WESTMORELAND COUNTY**

**Adoption of Westmoreland Rule of Orphans' Court WO510; No. 65-96-214**

**Order**

*And Now* this 13th day of December, 2006 it is *Hereby Ordered* that new Westmoreland Rule of Orphans' Court

WO510 is adopted. The effective date is 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

#### **W0510 REPORTS**

(a) Guardian of the Estate and Guardian of the Person Reports required pursuant to 20 Pa.C.S.A. § 5521, although separate reports, shall be filed on the same date as hereinafter set forth in subsections (b) and (c). The original Reports must be filed with the Register of Wills, and a copy of each Report must be filed with the Office of the Court Administrator, Orphans' Court Division.

(1) The Orphans' Court Administrator shall review each report.

(2) The Orphans' Court Administrator shall bring to the attention of the court any report the contents of which do not conform to report criteria.

(b) Guardians of the Estate Reports must be filed within 90 days of the Order Appointing a Guardian, and on each annual anniversary of the Order.

(c) Guardian of the Person Reports must be filed on each annual anniversary of the Order Appointing a Guardian.

[Pa.B. Doc. No. 06-2553. Filed for public inspection December 30, 2006, 9:00 a.m.]

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