

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

### PART I. GENERAL

[ 234 PA. CODE CH. 1 ]

Order Amending Rule of Criminal Procedure 103;  
No. 379; Doc. No. 2

#### Order

*Per Curiam:*

Now, this 6th day of May, 2009, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 103 is amended as follows.

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

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### PART A. Business of the Courts

#### Rule 103. Definitions.

The following words and phrases, when used in any Rule of Criminal Procedure, shall have the following meanings:

\* \* \* \* \*

**BAIL AUTHORITY** is the magisterial district judge, magistrate, Philadelphia [ **bail commissioner** ] **arraignment court magistrate**, or the judge with jurisdiction over the case who is authorized by law to set, modify, revoke, or deny bail.

\* \* \* \* \*

**ISSUING AUTHORITY** is any public official having the power and authority of a magistrate, a Philadelphia [ **bail commissioner** ] **arraignment court magistrate**, or a magisterial district judge.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

The definitions of bail authority and issuing authority were amended in 2005 to reflect the provisions of Act 207 of 2004 that changed the phrase "district justice" to "magisterial district judge," effective January 29, 2005. See also the Court's January 6, 2005 Order providing that any reference to "district justice" in a court rule shall be deemed a reference to a "magisterial district judge."

**The definitions of "bail authority" and "issuing authority" were amended in 2009 to reflect the provisions of Act 98 of 2008 that changed the**

**phrase "bail commissioner" to "arraignment court magistrate," effective December 8, 2008. See also the Court's January 21, 2009 Order providing that any reference to "bail commissioner" in a court rule shall be deemed a reference to an "arraignment court magistrate."**

\* \* \* \* \*

**Official Note:** Previous Rules 3 and 212 adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970; present Rule 3 adopted January 31, 1970, effective May 1, 1970; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; amended June 30, 1977, effective September 1, 1977; amended January 4, 1979, effective January 9, 1979; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended August 12, 1993, effective September 1, 1993; amended February 27, 1995, effective July 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 103 and Comment revised March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended March 3, 2004, effective July 1, 2004; amended April 30, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended February 4, 2005, effective immediately; **amended May 6, 2009, effective immediately.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the May 6, 2009 amendments modifying the definitions of bail authority and issuing authority published with the Court's Order at 39 Pa.B. 2567 (May 23, 2009).**

#### FINAL REPORT<sup>1</sup>

*Amendments to Pa.R. Crim.P. 103 (Definitions)*

#### PHILADELPHIA ARRAIGNMENT COURT MAGISTRATE

On May 6, 2009, effective immediately, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 103 (Definitions) changing the term "bail commissioner" to "arraignment court magistrate" in the definitions of "bail authority" and "issuing authority" in view of Act 98 of 2008.

On October 9, 2008, Governor Rendell signed into law Act 98 of 2008 that changed the term "bail commissioner" to "arraignment court magistrate," effective December 8, 2008. Because "bail commissioner" is used extensively in the Rules of Criminal Procedure, the references to "bail commissioner" are being changed to "arraignment court magistrate" to avoid confusion to the members of the bench, bar, and public.

The first step is the amendment of the definitions of "bail authority" and "issuing authority" in Rule 103. Accordingly, in conformance with Act 98 of 2008, the term "Philadelphia bail commissioner" has been replaced with the new term "Philadelphia arraignment court magistrate." This change is explained in the Rule 103 Comment

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

with a cross-reference to Act 98 of 2008. The Comment also includes a reference to the Supreme Court's Order, No. 329 Judicial Administration Docket No. 1, providing, *inter alia*, that all references to "bail commissioner" in the court rules will be deemed "arraignment court magistrate." With this amendment to Rule 103 and the Court's Order, the Court will be able to proceed in an orderly manner to change all the other references to "bail commissioner" by making the changes when a rule is being amended for some other reason.

[Pa.B. Doc. No. 09-918. Filed for public inspection May 22, 2009, 9:00 a.m.]

[ 234 PA. CODE CH. 10 ]

Order Amending Rule of Criminal Procedure 1002;  
No. 380; Doc. No. 2

Order

*Per Curiam:*

Now, this 12th day of May, 2009, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 1002 is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 1, 2010.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 10. RULES OF CRIMINAL PROCEDURE  
FOR THE PHILADELPHIA MUNICIPAL COURT  
AND THE PHILADELPHIA TRAFFIC COURT

PART A. Philadelphia Municipal Court Procedures  
Rule 1002. Procedure in Summary Cases.

\* \* \* \* \*

(B) Non-traffic summary proceedings shall be instituted **either** by a citation issued to the defendant [ : ] or **arresting without a warrant when arrest is specifically authorized by law.**

(1) Issuance of Citation

(a) [ **Except as provided in paragraph (B)(2), the law enforcement officer shall take the defendant into custody and transport him or her to the appropriate district police station, where without unnecessary delay the law enforcement officer or a superior officer shall prepare and issue to the defendant a citation and a notice to appear. The defendant shall not be slated, fingerprinted, or photographed, except as provided by law.** ] The law enforcement officer shall issue the citation to the defendant pursuant to Rule 405 (Issuance of Citation), together with a notice to appear, unless required to proceed pursuant to paragraph (B)(1)(e). The notice to appear shall direct the

**defendant to appear before a judge or trial commissioner on a date and at a time certain in a specified court room.**

[ (2) ] (b) When authorized by local rule promulgated pursuant to Rule 105 (Local Rules), [ **in lieu of taking the defendant into custody as provided in paragraph (B)(1),** ] the law enforcement officer may prepare, verify, and transmit a citation electronically. The law enforcement officer contemporaneously shall give the defendant a paper copy of the citation containing all the information required by Rule 403(A) (Contents of Citation) and a notice to appear. **The notice to appear shall direct the defendant to appear before a judge or trial commissioner on a date and at a time certain in a specified court room.**

[ (3) Except as provided in paragraph (B)(5), in all cases, the law enforcement officer shall release the defendant on the defendant's own recognizance. **The notice to appear shall direct the defendant to appear before a trial commissioner in a specified court room.** ]

[ (4) ] (c) Within 5 days after issuance of the citation and notice to appear, the citation shall be filed with the clerk of Municipal Court.

(d) **When the defendant appears before the judge or trial commissioner as provided in paragraph (B)(1)(a) or (B)(1)(b), the judge or trial commissioner shall explain the process to the defendant.**

(i) **If the defendant enters a guilty plea, the judge or trial commissioner shall impose the fines and costs.**

(ii) **If the defendant enters a not guilty plea, the judge or trial commissioner shall set a date for trial before a judge and issue a subpoena to the defendant.**

(iii) **If applicable, after paying any fee imposed, the defendant may be accepted into the Municipal Court's summary case diversionary program, or any other diversionary program offered pursuant to local rule promulgated pursuant to Rule 105 (Local Rules). When the defendant successfully completes the Municipal Court's summary case diversionary program, the defendant's arrest record automatically will be expunged.**

[ (5) ] (e) When required by local rule promulgated pursuant to Rule 105 (Local Rules), [ **rather than releasing the defendant pursuant to paragraph (B)(3), a** ] the law enforcement officer shall take the defendant into custody and transport him or her to the appropriate district police station, where, without unnecessary delay, the law enforcement officer or a superior officer shall prepare and issue the citation to the defendant. Thereafter, the law enforcement officer without unnecessary delay shall transport the defendant to the Municipal Court for proceedings before a [ **Municipal Court** ] judge, and the case shall proceed as provided by local rule promulgated pursuant to Rule 105 (Local Rules).

(f) **The defendant shall not be slated, fingerprinted, or photographed, except as provided by law.**

(2) Arrest Without a Warrant

(a) **When an arrest without a warrant in a non-traffic summary case is authorized by law, the**

police officer shall take the defendant into custody and transport him or her to the appropriate district police station, where, without unnecessary delay, the police officer or a superior officer shall prepare and issue a citation to the defendant.

(b) Except when the police officer is required to proceed pursuant to paragraph (B)(1)(e), or as otherwise provided in this rule, the case shall proceed as provided in Rule 441.

(c) If the defendant is to be released pursuant to Rule 441(B), the defendant shall be released on his or her own recognizance and given a notice to appear on a date and at a time certain in a specified court room.

(d) If the defendant is not released under Rule 441(B), the defendant without unnecessary delay shall be brought before a judge, who shall proceed as provided in Rule 441(C).

**[ (C) Procedures Following Institution of Summary Proceedings**

(1) When the defendant is taken before a Municipal Court judge pursuant to paragraph (B)(5), the case shall proceed as provided by local rule promulgated pursuant to Rule 105 (Local Rules).

(2) When the defendant appears before a trial commissioner, the trial commissioner shall explain the process to the defendant.

(a) If the defendant enters a guilty plea, the trial commissioner shall impose the fines and costs.

(b) If the defendant requests a trial before a Municipal Court judge, the trial commissioner shall set a date for trial and issue a subpoena to the defendant.

(c) If applicable, after paying any fee imposed, the defendant may be accepted into the Municipal Court's summary case diversionary program, or any other diversionary program offered pursuant to local rule promulgated pursuant to Rule 105 (Local Rules). When the defendant successfully completes the Municipal Court's summary case diversionary program, the defendant's arrest record automatically will be expunged.

(D) ] (C) If the defendant fails to appear pursuant to the notice to appear or a subpoena, a bench warrant shall be issued.

[ (E) ] (D) When the same conduct is proscribed under an Act of Assembly and a municipal criminal ordinance, the charge shall be brought under the Act of Assembly and not under the ordinance.

**Comment**

\* \* \* \* \*

The 2009 amendments to paragraph (B) conform the non-traffic summary citation procedures in Philadelphia with the statewide procedures governing the institution of a non-traffic summary case by issuing a citation to the defendant in person or arresting the defendant without a warrant. See Rules 405 (Issuance of Citation) and 440 (Arrest Without Warrant). The amendments require the police officer to issue a citation as provided in Rule 405 and proceed pursuant to paragraph (B)(1)(a) or (B)(1)(b), unless the case falls within the jurisdiction of one of Philadelphia Municipal Court's Nui-

sance Night Courts or Community Courts, or to arrest without a warrant when such an arrest is authorized by law.

The contents of the citation must comply with the requirements of Rule 403(A). The notice to appear required by paragraphs (B)(1)(a), (B)(1)(b), and (B)(2)(c) may be added to the citation form.

Arrests without a warrant in summary cases are authorized only in exceptional circumstances, such as cases involving enhanced penalties, or when the defendant fails to produce identification, or when there is violence or the imminent threat of violence, or when there is a likelihood that the defendant will flee.

Nothing in this rule prevents the filing of a citation pursuant to Rules 410 and 411.

The 2009 amendments do not modify the current procedures governing Philadelphia Municipal Court's Nuisance Night Courts and Community Courts that are implemented by paragraph (B)(1)(e).

Although defendants in summary cases ordinarily are not slated, photographed, or fingerprinted, the issuing authority should require the defendant to submit to administrative processing and identification procedures (such as fingerprinting) as authorized by law. See, e.g., 18 Pa.C.S. § 3929(g) concerning fingerprinting in retail theft cases.

**[ The contents of the citation must comply with the requirements of Rule 403. ]**

All summary offenses under the motor vehicle laws and parking violations are under the jurisdiction of the Philadelphia Traffic Court. See 42 Pa.C.S. §§ 1301—1303, 1321.

**Official Note:** Rule 6002 adopted June 28, 1974, effective July 1, 1974; amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended August 9, 1994, effective January 1, 1995; renumbered Rule 1002 and amended March 1, 2000, effective April 1, 2001. Rule 1002 rescinded August 15, 2005, effective February 1, 2006, and replaced by new Rule 1002; amended May 12, 2009, effective February 1, 2010.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the May 12, 2009 changes to paragraph (B) concerning issuing citations and arrest without warrants in summary cases published at 39 Pa.B. 2569 (May 23, 2009).**

**FINAL REPORT<sup>1</sup>**

*Amendments to Pa.R.Crim.P. 1002 (Procedure in Summary Cases)*

**PHILADELPHIA NON-TRAFFIC SUMMARY CITATION PROCEDURES**

On May 12, 2009, effective February 1, 2010, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 1010 (Procedure in

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

Summary Cases) to bring the Philadelphia non-traffic summary citation procedures into conformity with the summary citations procedures in the rest of the state.

### I. Introduction

The Committee undertook a review of the summary citation procedures in Philadelphia after receiving a letter from Philadelphia Police Commissioner Ramsey in which he requested that the Committee consider bringing Philadelphia non-traffic summary citation procedures in line with the statewide non-traffic summary citation procedures. Because the issues are distinct to Philadelphia, the Committee referred the matter to a Subcommittee that included representatives from the Committee, from Philadelphia, and from the Administrative Office of Pennsylvania Courts (AOPC).

### II. Background

Under current Rule of Criminal Procedure 1002, in all non-traffic summary cases, the police officer is required to take the defendant into custody and transport him or her to the police station where a citation is prepared and issued to the defendant. Unless the offense is one of the offenses within the jurisdiction of the Municipal Court's community courts and is committed in a community court district during specified hours, the defendant is given a notice to appear and is released. When the case falls within the parameters of the community court local rule procedures, the defendant is taken before a Municipal Court judge.

In the rest of the State, pursuant to Rule of Criminal Procedure 405, a law enforcement officer is required to give the defendant in a summary case a citation at the time of the offense, and the defendant is free to leave. The defendant is required to mail in a plea with the citation and either fines and costs, if a guilty plea, or collateral, if a not guilty plea. See Rules 406—409. In those cases in which the police officer is authorized to arrest without a warrant, pursuant to Rule 440, the police officer must release the defendant from custody if the defendant meets the criteria set forth in Rule 441(B) or take the defendant before a magisterial district judge without unnecessary delay as provided in Rule 441(C).

### III. Discussion of Rule 1002 Changes

Although the current provisions in Rule 1002 for handling non-traffic summary citation procedures in Philadelphia have been amended, the local rule provision for some summary cases to be handled in the Municipal Court's community courts have been retained.<sup>2</sup> These community courts have been successful in accomplishing the Municipal Court's goals of promptly addressing quality of life-type offenses, providing screening procedures, and providing prompt access to social services and rehabilitation programs. In addition, the technical aspects of implementing the rule changes, including changes to the citation form to delete the defendant's signature line and add a verification of issuance by the police officer, will be handled locally by Municipal Court, the Philadelphia police, and the Philadelphia District Attorney's office.

#### *Issuance of Citation*

New paragraph (B)(1) sets forth the procedures for instituting a non-traffic summary case by issuing a citation. New paragraph (B)(1)(a) requires the law en-

forcement officer to issue the citation to the defendant pursuant to Rule 405, unless the case falls within the community court procedures in paragraph (B)(1)(e) (current Rule 1002(B)(5)). The new citation procedures retain the requirements that a notice to appear be included with the citation and that the notice direct the defendant to appear before a Municipal Court judge or a trial commissioner on a date certain (current Rule 1002(B)(3)). The last paragraph of current paragraph (B)(1) providing that the defendant is not to be fingerprinted, etc., also has been retained as new paragraph (B)(1)(f).

Pursuant to new paragraph (B)(1)(a), except in community court cases, when the case is one in which a citation must be issued under the rules, the law enforcement officer may not take the defendant into custody to transport to the police station for issuance of the citation. Accordingly, current Rule 1002(1) has been deleted.

If the case falls within the community court procedures, the law enforcement officer must (1) take the defendant into custody, transport him or her to the appropriate district police station, and prepare and issue the citation to the defendant; and (2) thereafter, transport the defendant to the community court. These procedures, set forth in current paragraph (B)(1), now appear in new paragraph (B)(1)(e).

The procedures from current paragraph (C)(2) that must be followed when a defendant appears before the judge or trial commissioner after being issued a citation, with minor conforming changes, have been moved to paragraph (B)(1)(d).

#### *Arrest Without Warrant*

Under Rules 440—441, when a defendant elsewhere in the state is arrested without a warrant in a summary case, the police officer has 2 options—either release the defendant pursuant to Rule 441(B), or take the defendant without unnecessary delay before the proper issuing authority pursuant to Rule 441(C). When the defendant is released, a citation is issued to the defendant and the case proceeds pursuant to Rule 405. When a defendant is taken before the proper issuing authority, a citation is filed and the defendant enters a plea, etc. See Rule 441. The Committee agreed this procedure should apply to Philadelphia cases as well as to summary cases in the rest of the state, but recognized that the procedures would need to be modified to accommodate the procedures Municipal Court already has in place to address the special needs of the court.

New paragraph (B)(2) sets forth the arrest without warrant procedures. New paragraph (B)(2)(a) incorporates the procedures in current Rule 1002(B)(1) providing, when an arrest without a warrant in a non-traffic summary case is authorized by law, that the defendant is to be taken into custody and transported to the appropriate police district by a police officer, where a citation is prepared and issued to the defendant. New paragraph (B)(2)(b) provides that the case is to proceed pursuant to Rule 441 except when the case falls within the community court exception in new (B)(1)(e) or as otherwise provided in the rule. Thus, although, for the most part, the police must follow Rule 441, there are some procedural differences.

New paragraphs (B)(2)(c) and (B)(2)(d) set forth procedures that vary from the Statewide procedures but are consistent with current Rule 1002. When a defendant is to be released pursuant to Rule 441(B), the release is "ROR," as required in current Rule 1002(B)(3), and the

<sup>2</sup> "Community Court" is the general term Municipal Court has used to identify their special courts program. Because of the continuing evolution of the Philadelphia Municipal Court community court program, rather than having to go through the time consuming rule-making process with the Criminal Procedural Rules Committee and the Court, Rule 1002 permits Municipal Court to elaborate the details of the community court procedures in a local rule promulgated pursuant to Rule 105.

defendant is given a notice to appear. When the defendant is not released, the rule requires the defendant be taken before a Municipal Court judge and the case will proceed pursuant to Rule 441(C). Municipal Court assigns an "emergency" judge to be on call twenty-four hours a day, seven days a week, 365 days a year. Accordingly, when a defendant is arrested without a warrant in a summary case in Philadelphia, the police will proceed as provided in Rule 441(C)(1) and take the defendant without unnecessary delay before the Municipal Court judge, or, if outside the normal business hours of the Municipal Court, the emergency judge when available pursuant to Rule 117.

#### Comment

The Comment also has been revised correlative to the new changes in Rule 1002 with elaboration on the new citation procedures and the exception to the procedures for community court cases.

The Committee incorporated the language from the Rule 440 Comment explaining the limitations on arrests without warrants in summary cases, and added to the examples of exceptional circumstances cases involving enhanced penalties and cases in which a defendant fails to produce identification.

During the Committee's discussions, it was noted that the police officers in Philadelphia rarely proceed by filing a citation as provided in Rules 410 and 411. For those rare cases in which it would be appropriate for the police to proceed pursuant to Rules 410 and 411, a statement has been added to the Comment to the effect that nothing in the rule is intended to prevent filing a citation pursuant to Rules 410 and 411.

[Pa.B. Doc. No. 09-919. Filed for public inspection May 22, 2009, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

**Philadelphia Municipal Court; Civil Division; Municipal Court Administrative Regulation No. 2009-02; In Re: CLAIMS Electronic Filing System**

#### Order

The electronic filing of all civil trial activity from case initiation through post judgment proceedings by attorneys in the Philadelphia Municipal Court shall be mandatory effective: Monday, March 2, 2009.

Attorneys are reminded that a User Manual for the use of the CLAIMS Electronic Filing System is available on the First Judicial District's web site: <http://courts.phila.gov/publications.html>.

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Philadelphia Municipal Court, and copies shall be submitted to the Administrative Office of Pennsylvania Courts and the Legislative Reference Bureau. Copies of the Administrative Order shall be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First

Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

MARSHA H. NEIFIELD,  
*President Judge*  
BRADLEY K. MOSS,  
*Supervising Judge,*  
*Civil Division*

[Pa.B. Doc. No. 09-920. Filed for public inspection May 22, 2009, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

#### BLAIR COUNTY

**Amendment to Local Rules of Court, Specifically the Amended Compulsory Arbitration Rules**

#### Order

*And Now*, this 27th day of April, 2009, the Blair County Local Rules of Court are hereby amended as indicated in the attachment, and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to:

1. File seven (7) certified copies of the within Order and amended local rules with the Administrative Office of Pennsylvania Courts.
2. Forward two (2) certified copies and a disk containing the text of the amended local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Forward one (1) certified copy to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
4. Forward one (1) copy to the *Blair County Legal Bulletin* for publication.

Copies shall be kept continuously available for public inspection in the Office of the Blair County Prothonotary, the Office of the Court Administrator and the Blair County Law Library.

HONORABLE JOLENE GRUBB KOPRIVA,  
*President Judge*

**Rule 1301—1 Arbitrators**, subsection (d) shall be amended to read as follows:

(d) The Case Manager will swear in the panel and take the oath. The case manager shall also ensure that all exhibits are properly marked and kept within the court file. All photographs shall be marked on the back with the case docket number, and then placed within an envelope also to be marked with the case caption and docket number.

**Rule 1303—Arbitration Process**, subsection (e) shall be amended to read as follows:

(e) **Arbitration Costs**—If no appeal is filed, then the Arbitration Costs shall follow the verdict. The unsuccessful party shall pay such Arbitration Costs (as defined

below, which does not include the \$150 administrative fee) to the Prothonotary within thirty-five (35) days of the Arbitration Award. If an appeal is filed, then the appealing party shall pay the Arbitration Appeal Fees as set forth in Rule 1303 (g) below.

(1) For each Civil Case eligible for arbitration under B.C.L.R. 1301(a)(1) and (3), Arbitration Costs shall be set at one-hundred fifty dollars (\$150) to the Chairperson, and one-hundred twenty-five dollars (\$125) to each additional Arbitrator of the arbitration panel.

(2) For each Civil Case in which the arbitration hearing lasts four and a half (4 1/2) hours or more, the Arbitration Costs shall be set at two-hundred twenty-five dollars (\$225) to the Chairperson, and two-hundred dollars (\$200) to each additional Arbitrator of the arbitration panel.

**Rule 1303—Arbitration Process**, subsection (g) shall be amended to read as follows:

(g) **Arbitration Appeal Fees**—A party appealing an Arbitration Award, under B.C.L.R. 1308, shall pay to the Prothonotary an Arbitration Appeal Fee of \$400, unless the arbitration hearing lasted four and one-half (4 1/2) hours or more, in which case the Arbitration Appeal Fee shall be \$625. Such fee must be paid at the time of filing an appeal in order to perfect such appeal. An appeal from the Arbitration Award does not, in any way, relieve any party of any duty to pay any applicable Administrative Fees or Continuance Fees.

There shall be no reimbursement of the Arbitration Appeal Fees to the appealing party, even if the final decision entered after the appeal differs from the Award of Arbitrators.

[Pa.B. Doc. No. 09-921. Filed for public inspection May 22, 2009, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Mark A. Blevins, having had his license to practice law in the State of West Virginia annulled by Order of the Supreme Court of Appeals of West Virginia filed September 26, 2008, the Supreme Court of Pennsylvania issued an Order on May 8, 2009, disbaring Mark A. Blevins, from the Bar of this Commonwealth, effective June 7, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 09-922. Filed for public inspection May 22, 2009, 9:00 a.m.]

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