

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 87, 89 AND 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court of Pennsylvania

Order No. 71

By Order dated January 6, 2010, the Supreme Court of Pennsylvania amended Pa.R.D.E. 205(a) to reduce the number of lawyer members of the Disciplinary Board to eleven. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of this amendment. In light of this change, the Board is also reducing the number of copies of certain pleadings required to be filed with the Board.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) 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 Pa.R.D.E. 205(c)(10), 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.

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

Subchapter D. ABATEMENT OF INVESTIGATION

§ 87.72. Matters involving related pending civil or criminal litigation.

* * * * *

(b) *Procedure*. [**Twelve**] An original and three **conformed** copies of an application for deferment of action under subsection (a) of this section shall be filed in the Office of the Secretary with proof of service on the Office of Disciplinary Counsel. The Office of Disciplinary Counsel may file and serve a written response thereto within 20 days thereafter.

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CHAPTER 89. FORMAL PROCEEDINGS

Subchapter D. ACTION BY BOARD AND SUPREME COURT

§ 89.202. Content and form of briefs on exceptions.

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(d) *Copies*. [**Eighteen**] **Fourteen** copies of each brief shall be filed with the Office of the Secretary in addition to the copies served on the participants in the proceedings.

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter B. THE DISCIPLINARY BOARD

§ 93.21. The Disciplinary Board.

Enforcement Rule 205(a) and (b) provide that the Supreme Court shall appoint a board to be known as "The Disciplinary Board of the Supreme Court of Pennsylvania" which shall be composed of [**12**] **11** members of the bar of this Commonwealth and two non-lawyer electors; that the regular terms of members of the Board shall be for three years; that no member shall serve for more than two consecutive three-year terms.

[Pa.B. Doc. No. 10-216. Filed for public inspection February 5, 2010, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 3000]

In Re: Amendment of Rules 3022 and 3023 of the Rules of Civil Procedure; No. 520; Civil Procedural Rules

Order

Per Curiam:

And Now, this 26th day of January, 2010, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa. R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 3022 and 3023 of the Pennsylvania Rules of Civil Procedure are amended in the attached form.

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

PATRICIA NICOLA,
Chief Clerk

Supreme Court of Pennsylvania

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter A. TRANSFER OF JUDGMENTS TO OTHER COUNTIES

Rule 3022. Verdict or Order. Lien. Duration.

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(b)(1) Except as provided by paragraph (2), the lien of a verdict or order for a specific sum of money shall have the priority prescribed by Section 8141 of the Judicial Code from the time the verdict or order is entered in the judgment index.

* * * * *

(3) Sections 8141(3)—(5) of the Judicial Code, 42 Pa.C.S. §§ 8141(3)—(5), [is] are suspended in accordance with Article V, Section 10(c) of the Constitution of 1968 and Section 1722(b) of the Judicial Code, 42 Pa.C.S. § 1722(b), insofar as [it is] they are inconsistent with this rule.

Official Note: Section 8141(3) of the Judicial Code provides that the lien of a verdict for a specific sum of money shall have priority from the time it is recorded by the court.

Section 8141(4) of the Judicial Code provides that the lien of an adverse judgment and other orders shall have priority from the time it is rendered.

Section 8141(5) of the Judicial Code provides that the lien of an amicable judgment shall have priority from the time the instrument on which it is entered is left for entry.

Rule 3023. Judgment. Lien. Duration.

* * * * *

(b) A judgment upon a verdict or an order, when entered in the judgment index, shall

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(3) Sections 8141(3)—(5) of the Judicial Code, 42 Pa.C.S. §§ 8141(3)—(5), are suspended in accordance with Article V, Section 10(c) of the Constitution of 1968 and Section 1722(b) of the Judicial Code, 42 Pa.C.S. § 1722(b), insofar as they are inconsistent with this rule.

Official Note: Section 8141(3) of the Judicial Code provides that the lien of a verdict for a specific sum of money shall have priority from the time it is recorded by the court.

Section 8141(4) of the Judicial Code provides that the lien of an adverse judgment and other orders shall have priority from the time it is rendered.

Section 8141(5) of the Judicial Code provides that the lien of an amicable judgment shall have priority from the time the instrument on which it is entered is left for entry.

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Explanatory Comment

In 2003, the Supreme Court adopted new Rules 3021 et seq. governing judgment liens and the revival of judgment liens. At that time, new Rule 3022(b)(3) suspended only section 8141(3) of the Judicial Code because its provision governing lien priority for verdicts from the

time they are recorded by the court was inconsistent with Rule 3022 which provides for lien priority as of the date when a verdict is entered in the judgment index.

Sections 8141(4) and (5) of the Judicial Code are also being suspended because they are inconsistent with Rule 3023. Both sections 8141(4) and (5) create a lien that is earlier in time than what Rule 3023 provides. Since these statutory provisions can create hidden liens, the Supreme Court has suspended both statutory provisions.

[Pa.B. Doc. No. 10-217. Filed for public inspection February 5, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BERKS COUNTY

In Re: Administrative Order Designating the Judicial Administrative Assistant to the Administrative Head of the Juvenile Dependency Court to Receive Reports Regarding Adjustment, Progress and Condition of a Child Under Pa.R.J.C.P. 1604(B); Prothonotary No. 10-162; No. CP-06-AD-000008-2010

Order

And Now, this 21st day of January, 2010, *It Is Hereby Ordered* that the Judicial Administrative Assistant to the Administrative Head of the Juvenile Dependency Court be and hereby is named as the designee to receive reports regarding a child's adjustment, progress and condition, pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b).

The District Court Administrator shall:

(1) Submit two certified copies of the Order along with one copy of the same on a computer diskette, CD-ROM, or an electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f), to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(2) Forward one copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that this Order is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure, to the Legislative Reference Bureau; and

(3) Contemporaneously with the publishing of this Order in the *Pennsylvania Bulletin*, file one certified copy of the Order with the Administrative Office of Pennsylvania Courts.

This Order shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*. In the interim, the existing local procedure, which provided for the filing and proper dissemination of these reports with the Court Administrator of Berks County, shall remain in full force and effect.

By the Court

JEFFREY L. SCHMEHL,
President Judge

[Pa.B. Doc. No. 10-218. Filed for public inspection February 5, 2010, 9:00 a.m.]

INDIANA COUNTY

In Re: Modification of Local Rule of Criminal Procedure 117; AD-2-2006**Administrative Order of Court**

And Now, January 15, 2010, it is hereby *Ordered* that the existing text of Indiana County Rule of Criminal Procedure 117 is modified to add the text of the Rule attached to this Order. This modification shall not alter the pre-existing text of Indiana County Rule of Criminal Procedure 117, and said text remains in full force and effect.

The Court Administrator is *Directed* to:

1. File one (1) certified paper copy of this Order and modification of Rule with the Administrative Office of Pennsylvania Courts,
2. File two (2) certified paper copies and one (1) diskette containing this Order and modification of Rule with the Legislative Reference Bureau for the purposes of publication in the *Pennsylvania Bulletin*,
3. Publish a copy of this Order and modification of Rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us>, and
4. File copies of this Order and modification of Rule with the Prothonotary and Clerk of Courts.

The Prothonotary and Clerk of Courts is *Directed* to keep available continuously at least one (1) copy of this Order and modification of Rule for public inspection.

This Order and attached modification of Rule shall become effective on February 20, 2010.

By the Court

WILLIAM J. MARTIN,
President Judge

Local Rule 117. Magisterial District Judge On-call and After Hours Procedure.

(a) All Magisterial District Judges shall be available during regular Court business hours on regular Business days.

(b) A Magisterial District Judge shall be available at 6:00 AM, 2:00 PM and 10:00 PM on non-business days and on non-business hours of regular business days.

(1) Magisterial District Judges shall only be available under this subsection for the purpose of executing actions enumerated under Pa.R.Crim.P. 117(A).

(2) An arresting Officer must fax a signed Criminal Complaint and any other pertinent information to the on-duty Magisterial District Judge before any preliminary arraignment.

(3) At least thirty (30) minutes before any period of availability under this section, staff of the Indiana County Jail shall inform the Magisterial District Judge of all pending requests.

(c) A Magisterial District Judge shall be available on-call at all times of all days for the purposes of reviewing and signing search warrants, arrest warrants, and Petition for Emergency Protection From Abuse Orders.

(d) If a preliminary arraignment is required, the arresting Officer shall fax a signed Criminal Complaint and any other pertinent information to the on-duty Magisterial District Judge before any preliminary arraignment. Upon fax, a copy of the Criminal Complaint shall be sent to the Indiana County Jail, and the accused shall be transferred to the Indiana County Jail for purposes of preliminary arraignment.

(e) Magisterial District Judges shall be made available under subsection (b) and subsection (c) on a rotating basis pursuant to the direction of the President Judge.

(f) This rule shall be made effective thirty (30) days after publication within the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 10-219. Filed for public inspection February 5, 2010, 9:00 a.m.]

SUPREME COURT**In Re: Accreditation of the National Elder Law Foundation as a Certifying Organization; Disciplinary Rules; Doc. No. 86****Order**

Per Curiam:

And Now, this 20th day of January, 2010, upon the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the National Elder Law Foundation is hereby accredited as a certifying organization in the area of Elder Law for a period of 5 years commencing January 26, 2010.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-220. Filed for public inspection February 5, 2010, 9:00 a.m.]